This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

**Usage guidelines**

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

**About Google Book Search**

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

UC-NRLF
B 3 734 156

REESE LIBRARY
OF THE
UNIVERSITY OF CALIFORNIA.
Received March , 1899.
Accession No. 75216 . Class No.

# COLLECTIONS

OF THE

# Virginia Historical Society.

*New Series.*

VOL. VIII.

REESE LIBRARY
OF THE
UNIVERSITY
OF CALIFORNIA

F221
.V4
v.8

WM. ELLIS JONES,
PRINTER,
RICHMOND, VA.

# ABSTRACT

OF THE

## PROCEEDINGS OF THE

# Virginia Company of London,

## 1619—1624,

PREPARED FROM THE

RECORDS IN THE LIBRARY OF CONGRESS

BY

CONWAY ROBINSON,

AND EDITED WITH AN

## INTRODUCTION AND NOTES

BY

R. A. BROCK,
*Corresponding Secretary and Librarian of the Society.*

---

VOL. II.

REESE LIBRARY
OF THE
UNIVERSITY
OF CALIFORNIA

RICHMOND, VIRGINIA,
PUBLISHED BY THE SOCIETY.
MDCCCLXXXIX.

75-216

2D14

REESE LIBRARY OF THE UNIVERSITY OF CALIFORNIA

# ABSTRACT OF PROCEEDINGS

OF THE

# Virginia Company of London.

---

The last proceedings of the Company in one volume are on the 3d of July, 1622; those in the next are on the 17th of the same month.

A motion was made, that forasmuch as Mr. Truelove and his associates intend to proceed in their plantation, being no whit discouraged with this late massacre of the English by the treacherous Indians, are now setting forth a bark called the Truelove of London, of about 46 tuns, to Virginia, they therefore desired the honorable favour of this court to grant them a commission for the said ship and voyage, which the court agreed unto. Upon the humble request of William Sheffield, petitioning for leave to administer upon the goods (that are saved) of his son, Thomas Sheffield,[1] lately slain by the Indians, which goods he desires to preserve for a son of the said Thomas, a child about the age of two years, saved alive in that bloody massacre; for so much as it was supposed this would prove a leading case, and the suit of many others to be relieved in, it was therefore thought fit to referr it to a commissioner to consider what power and authority may be granted to the surviving friends of such as are slain, or shall hereafter decease, to administer upon the goods left unto them, and what course may best be taken for recovery and preservation of all such goods from loss and embezeling to the use and behoof of the true proprietors.

---

[1] Thomas Sheffield owned in 1620, 150 acres of land adjoining Coxendale, in Virginia.

Mr. Barkham presented to this court a grant of certain lands passed unto him by Sir George Yeardley, under the seal of the colony, upon condition that he compounded for the same with Opachancano, and procured a confirmation thereof from the Company here within two years after the said grant, for which confirmation he now petitions the court.

Upon which occasion it was taken into consideration how far forth the Governor of Virginia, by a charter heretofore granted unto him by the Company, might grant lands in Virginia; and it was resolved directly that, by the King's letters-patents, no other but the Company here, and that in a quarter-court only, had power to dispose of land in Virginia; neither had they liberty thereby to transmit that power from themselves to any other; and as for the clause which they had granted in their said charter unto the Governor of Virginia touching the disposing of land, it did only intend, as a ministerial officer, to give him power to set out to every man his proper divident, either by directions from hence, or to such as had acquired it there by service; and therein chiefly to respect the ancient adventurers and planters, with authority also to pass the said grants under the Company's seal, if so they did desire it, but not to make an absolute grant of the said lands; for that the seal in that case was but a certificate or testimony of so much land set out for the considerations aforesaid, to be further ratifyed and confirmed by the Company here, who only had power to confirm the same unto them; and further than this, the Governor neither had, nor could have, any authority from hence to dispose of any land in Virginia; but this grant of Barkham was held very dishonourable and prejudicial to the Company, in regard it was limitted with a proviso to compound with Opachankano, whereby a sovereignty in that heathen infidel was acknowledged, and the Company's title thereby infringed very much. It was also reputed a fraudulent deed unto the grantee, and of purpose only to draw a fee from him, which, by report, is very excessive in that kind, there being no less than 20 lb. weight of tobacco, or £3 in money, demanded by the Secretary there for every such private divident of 50 or 100 acres passed under the seal of the colony, which this court held to be very unreasonable; and, therefore, for the preservation thereof hereafter, as also to avoid that confusion of granting private dividents in the chiefest places, which many possessed

themselves of, not with an intent to plant upon the said lands so much as to prevent others in their dividents that took patents here without they compounded with them for these parcels that lay intermingled. It was for these reasons thought fit to be referred to the judgment of the next quarter, to consider of some course for a speedy reformation.

July 17th, 1622. Sir Edw. Sackvill being entreated by the former court to acquaint the Lords of his Majesty's Council with the massacre of the English colony in Virginia by the Indians there, and with the present necessity of arms and people to make a reparation, did now report that, with the first opportunity, he had accordingly informed their Lordships; and after some questions passed about some particulars, he entreated their Lordships' mediation to his Majesty in their said suit, which they were pleased to perform, whereof his Majesty being informed as also of the manner of this accident, with great indignation apprehended the cause thereof to be the same that their Lordships did, vizt: That the planters in Virginia attended more their present property than their safety, and pleasing their humours and fancies by living as scatteringly and dispersedly. But his Majesty was so far sensible of the loss of so many of his subjects and of the present estate of the colony, as he was graciously pleased to promise them assistance, and thereupon demanded what the Company desired. It was answered munition and people, whereby they might be enabled to take a just revenge of these treacherous Indians, and to recover what they had now lost, as also to secure themselves against the like, or any foreign enemy that should offer to assault them; whereupon it pleased his Majesty to promise them some such arms out of the tower as was desired, whereof the officers of the tower brought some of each kind and reported their store there to be as followeth:

| | |
|---|---|
| Brigandines *alias* Plate coats, | 100 |
| Jacks of mail,[1] | 40 |
| Jerkins, or shirts of mail, | 400 |
| Skulls, | 2,000 |
| Calivers, and other pieces bells, Halberts, swords, | —— |

[1] It is of interest to note that portions of a steel cuirass, exhumed at Jamestown in 1861, in constructing earth-works there, are in the collection of the Virginia Historical Society.

Sir Edwin Sandys signified unto the Company that the Company of the Somer Islands, in their great quarter-court, held the 10th day of July last, had consented to the contract intended to be made with his Majesty for the sole importation of tobacco, but with some difference from the Virginia Company touching the medium of the custom thereof, for the Company of the Somer Islands having duly weighed and considered of all circumstances incident thereunto, conceived it would be more convenient and safe for them to pay the custom of 6d. ℔ pound weight for roll tobacco and 4d. for leaf, as it came in, than to be tied to pay the certainty of so great a sum of money as the medium came unto; besides, they considered that the customers having, by this means of granting a medium, their customs made certain, would take no care or pains to discover the stealing in of Spanish tobacco, whereas, in paying the customer, the profit of the customers being also interested therein, it would make them the more vigilant and carefull to prevent the undue bringing in of Spanish tobacco, and thereby also save the Company much charge, which they must otherwise be at for maintaining of a great number of officers for that purpose. Whereupon, it being taken into consideration whether an inferior court had any power to alter that which was so solemnly ratified by a quarter-court, it was resolved not; but withal they held it fit to signify to my Lord Treasurer, and certify, by way of declaration of their particular opinions, that they conceive the Somer Islands Company, for many substantial reasons, had taken the better course, and therefore the Company of Virginia would not oppose the drawing up of the patent according to the desire and resolution of the Somer Islands Company, not doubting but if the next quarter-court for Virginia should not approve thereof, they shall entreat his Lordship their first order may stand.

| | |
|---|---|
| Sir John Davers, | Mr. John Smith, |
| Two Deputys, | Mr. Jermyn |
| Mr. Gibbs, | Mr. Ro. Smith, |
| Mr. Wrote, | Mr. Byng, |
| Mr. Brookes, | Mr. White, |
| Mr. Herbert, | Mr. Seldon, |

or any four of them, are entreated to meet and advise about the drawing up of the patent touching the contract to be made with

his Majesty for the sole transportation of tobacco according to the propositions agreed on by the Companys of Virginia and the Somer Islands in their great quarter-court held this present month, which is to be done in the most beneficial manner for the behoof of both Companies, who are likewise desired to attend Mr. Attorney about the same; and also to take into their consideration those things that are to be performed before the said contract is to be in force, as, namely, the prohib[*it*]ing the planting of tobacco in England and Ireland; also to prohibit the importing of any Spanish tobacco more than the quantity limitted by this contract.

August 14, 1622. Whereas his Majesty hath been pleased at the humble suit of the Virginia Company to lend unto them 20 barrels of powder for the service of the colony in Virginia, to be repaid by the 10th of January next, for which security is to be given under the Company's seal, the court entreated Mr. Deputy to draw up the said security and to affix the Company's seal thereunto.

And whereas it was further signifyed that they were in hand with a bargain for 20 barrels of powder more for time upon the like caution, the court gave order to Mr. Deputy that if that bargain proceeded, to affix the seal unto the like security for repayment at the time agreed upon.

A request was made by some of the Somer Islands Company for the better supplying of the Somer Islands with arms (whereof there was now very great want), this Company would be pleased to give them 100 pieces and 50 brown bells out of his Majesty's princely gift and bounty bestowed upon this Company, which number the Somer Islands Company promise to maintain. The court taking it into their consideration, and weighing duly how much it doth import Virginia to support this plantation in regard of the vicinity and mutual dependence the one hath upon the other, have agreed to grant their request, not doubting but his Majesty and the State will be pleased therewith, considering upon what special and important reasons the Company were moved hereunto, and further it was agreed and thought fit that the bows and arrows which his Majesty had given to the Virginia Company (in respect the use and scattering of them amongst the Indians might prove a thing dangerous to our own people, and withal make them acquainted with the manner of fashioning the arrow heads),

that therefore they should be deposited and kept safe in the Somer Islands in a readiness against there should be occasion to use them in Virginia.

Another was likewise made by the colony that every private plantation and borough might have some of the said pieces, provided they be at charge to trimm them up and make them fit and so send them to Virginia: provided also that they keep and maintain the like number always fit and serviceable.

The residue of the arms were thought fit, and ordered by the courts, to be kept in a common store or armory in Virginia for the general service of the whole colony.

September 5th, 1622. The Somer Islands court held this afternoon being dissolved, Mr. Nicholas Ferrer, the Deputy, acquainted them that whereas it pleased the Majesty, out of his princely care of the plantation of Virginia, to direct his gracious letters unto Mr. Treasurer and Company for Virginia to command a speedy course be taken for the setting up of silk works and planting of vineyards throughout the whole colony in Virginia, for the ordering whereof one Mr. Bonoeil, his Majesty's servant, had given very good directions in his book lately published. Whereupon his Majesty's Council for Virginia, having taken it into their consideration, thought fit, for the better accomplishment of his Highness's pleasure in a business of so great consequence unto the plantation, that as a special warrant be writ from the Company to the Council of State in Virginia to require and charge a strict performance of his Majesty's royal commandments in the premises for which they had conceived the form of a letter, which being now presented in court was read, and being well approved of, the court ordered and appointed the same to be printed and affixed to the silk-worm book of Mr. Bonnell, the Frenchman.

Mr. Deputy further acquainted the court that he had received a warrant signed by sundry Lords of his Majesty's Privy Council, directed to the Treasurer and Deputy of this Company, requiring one Daniel Franck (a malefactor lately reprieved) be sent to Virginia (from whence he may not return unto any his Majesty's dominions without a special license obtained under six of the Council's hands), which Franck had contracted to serve in Virginia one Eleanor Philips, that now goes over with him; in consideration whereof the said Philips offers to pay for his passage

if the Company will permit the said Franck to go. Whereupon the court ordered he should be sent to Virginia according to the Lords' order, and should be put on board the Southampton and committed to the charge of Mr. James Chesser, captain of the said ship bound for Virginia, to deliver him in Virginia according to his directions.

October 7th, 1622. Mr. Deputy signified unto the Company that the occasion of calling this court was for the despatch away of the Abigail, and for that divers petitions had been exhibited which were to be ordered and sent away by this ship: some of grievances for wrongs done by unjust factors and partners in Virginia, others of claim to lands and goods belonging unto them by the late death of friends there; and further, whereas the Council had already by the James sent their letters of advice and direction to the Governor and Council of Virginia touching the late massacre and other important businesses; so as it had been taken into consideration and held very fit that the like redress should be now made by the Company to second the former, whereof a draught being made, he now presented in court, which being read and well approved of, was ordered to be signed by the Deputy in the name of the Company and witnessed by the Secretary.

Mr. Henry Rolfe in his petition desiring the estate his brother, John Rolfe, deceased, left in Virginia might be enquired into and converted to the best use for the maintenance of his relict wife and children and for his indemnity (having brought up the child his said brother had by Powhatan's daughter, which child is yet living and in his custody), it was ordered that the Governor and Council of Virginia should cause enquiry be made, what land and goods the said John Rolfe died seized of, and in case it be found the said Rolfe made no will, then to take such order for the petitioner's indemnity and for the maintenance of his said children and relict wife as they shall find his estate will bear (his debts unto the Company and others being first satisfyed), and to return unto the Company here an account of their proceedings.

The Company being informed by the auditors that Sir George Yeardley that instead of £500 which, by the Council's letter of the 18th of December, 1618, he was commanded to return for the 50 youths then sent by his Majesty's command, hath only returned 3,333 lb. weight of Tobacco, which, being sent to Mid-

dleborough and there sold, comes to no more than £275, 15s., 6d., have ordered that the account of that tobacco, signed by the auditors and book-keepers, should be sent to Mr. George Sandys' Treasurer in Virginia, to be shewed to Sir George Yeardley, and the rest whom it may concern, and that should be caused to make satisfaction for the £224, 4s., 6d., which is remaining due unto the Company this year in good leaf tobacco, to be sent home in the Abigail.

Ordered that the Governor of Virginia shall not hereafter grant leave to any indebted to the Company to return for England until he hath given full satisfaction for all such debts as he shall stand charged with.

October 23d, 1622. Mr. Deputy signified unto the Company, it was not unknown unto them that amongst the many worthy gifts bestowed on the plantation, there was the last year given, by a person refusing as yet to be named, 40 ℔ annum forever (and thereupon an order established) for a sermon to be preached before the Virginia Company every Michaelmas Term, on Wednesday fortnight before the last Wednesday in the said term. He therefore moved to know their pleasure whom they would entreat to preach the said sermon, whereupon some proposing the Dean of [St.] Pauls, the court, without naming any other, did very much desire he might be entreated thereunto, hoping he would please upon their general request signifyed unto him to undertake the pains, and the rather for that he was a brother of this Company and of their Council, in confidence whereof the court prayed

| | |
|---|---|
| Sir John Davers, | Mr. Bing and |
| Sir Philip Cary, | Mr. Deputy |

to sollicite him earnestly hereunto in the name of the Company, which they promised to perform; and for the place where the sermon is to be preached the court have made choice of St. Michael's Church, in Cornhill, as the most convenient; after which sermon ended, it is also thought fit and agreed the custom they began the last year shall be continued, namely: to sup together, and for that cause have entreated Mr. Casewell and Mr. Mellinge (who last time so well performed it to all the Company's content), being assisted with Mr. Bennett and Mr. Rider to be stewards, this year also for providing and ordering of the supper, also the business thereto belonging and of the place where it shall

be kept, and accordingly to give notice thereof to all the Company by sending the officer with tickets that are to be printed for the purpose, notifying the time and place and what each man is to pay, which is now agreed shall be 3d. apiece, as finding by the last year's experience it cannot be less to bear out the full charge. And for that at such great feasts venison is esteemed to be a most necessary complement, the court hath thought fit that letters be addressed in the name of the Company to such noblemen and gentlemen as are of this Society to request this favor at their hands and withal their presence at the said supper.

Captain Hamor's letter was read, relating some accidents that had happened in the colony since the massacre: the killing of certain Indians; burning of their towns; the joining with the king of Patowmeck against Opachankano—Captain Madison sent unto him with thirty English; the insolent answer of Opachankano to the Governor's message for restoring of the captive English, with the dishonour he did to the King's picture; the resolution of the Governor and Council at the end of August to make warr upon Opachankano with 500 men, hoping by God's help this winter to clear the country of him, and settling the colony in a far better estate than it was before, and that this massacre will prove much to the speedy advancement of the colony and much to the benefit of all those that shall now come thither.

November 6th, 1622. A report was made by the Committees on the subject of petitions. The Committees conceive that for the better ease and expedition, both of the Company and petitioners, there should be a set Committee out of the Council and Company of men, both of ability and diligence, who should every court-day, at one of the clock, meet to receive petitions.

The Committee should consider of the several kinds of petitions, and bring them under a certain heads for the sooner and surer despatching of them by propounding and passing things of the same nature orderly together; they should have a care that all petitions be presented with a right stile, and that if any concern things not fit for public reading, they be reserved for the Council.

The Committees shall likewise consider and take into their consideration the several matters of petition, and by informing themselves of the particularities prepare the matter for the Company's easier determination. The Committees shall deliver the

petition to the Secretary, who shall give the petitioner a note under his hand of the receipt of such a petition, and likewise the time when the Committee think fit the petitioner should attend to receive an answer from the Company.

The petitioner receiving an answer, the answer shall be endorsed on the petition, or under it, during the sitting of the court and read, and, if it cannot be so done, the Secretary shall not set his hand to the order until such time as at least three of the Committee (whereof the Deputy to be one) have perused and allowed the said order that it is right according to the Company's meaning.

The Secretary shall keep all the petitions on a file, with the orders endorsed upon or under them, and the day of the date of them, and shall further engross them in a book orderly with reference to the file, and the next court shall read the petitions and orders out of the book.

From every petition granted in favour he shall have a shilling, and no more, from the petitioner for a copy of the order, for which shilling also he shall be bound to give a copy of the petition itself if the petitioner shall desire it, or if it be necessary.

Which orders being read through, and often again by several parts re-examined and deliberated upon, the court did well approve thereof, and thereupon being put to the question, were ratified by the general consent of the whole court.

The next thing taken into consideration was both the number and quality of those that should be appointed Committees, of which it was thought fit the auditors should always be in regard of their great experience and practice in the Company's affairs, and that there should be joined unto them eight or ten more, and out of this number three at least (whereof the deputy to be one) might be always present for the receiving and considering of petitions; and further, that the Committee should be yearly chosen upon the day of election of the Treasurer and other officers, and that there should be yearly alteration of some of them for the better information of others in the Company's affairs and businesses.

These things being put to the question, were severally ratified and confirmed by erection of hands.

Captain John Martin presenting a petition to the court for

reformation of his patent in such things as should be found to transcend the limitation of the King's letters-patents unto the Company or hurtful unto the proceedings of the colony, was admonished to surrender it up with all his defects and exorbitancies, and take a new, which although he refused to do at the first, yet upon a better bethinking with himself, and the Company's fair offer to him to grant him a new patent with as large and ample privileges as any other adventurer—which, from time to time, they had always offered unto him—did, at length, freely and willingly deliver up the same in open court to be cancelled; whereupon order was given for drawing up a new patent for him against the next quarter-court.

Mr. John Ferrer acquainted the court that Sir Arthur Ingram having sent for him, told him that Lord Treasurer was desirous to know whether * * resolution whether they would proceed on the contract intended with the King according to the propositions agreed on in their quarter-courts. Touching which Sir Arthur[8] said he had but one thing more to move for the Lord Treasurer unto the Company, viz: That whereas in a former proposition it was referred to a committee to consider what sorts of Spanish tobacco should be brought into this kingdom by the Companies, his Lordship desired it might now be resolved upon to bring in all of the best Varrinaes; which propositions being taken into consideration by the court, these objections were made by the courts against it: that the grant hereof would dissolve the frame of the bargains formerly proposed; first, because it would make an alteration in the prices and rates they were agreed to set upon the tobacco that should be brought in, and consequently that it would occasion the stealing in of much Spanish tobacco, which, by the other means, might be prevented; and lastly, that it would much hinder the sale of the Virginia tobacco. Besides, it was likewise doubted whether so great a quantity as 40,000 weight of the best Varinas could be had, seeing it was more than was known to come of that sort into Spain in some one year; so that to be tyed to bring in the former quantity could not but be very inconvenient and prejudicial to the Companies. Whereunto answer was made, that the Companies could

[8] Sir Arthur Ingram, a merchant of London, married one of the family of Sir Fulke Greville, Lord Brooke. He became an officer to the King.

not be tyed to perform impossibilities, and besides the 8th article of the propositions did seem to provide against it, which being read and advised upon, it was at length conceived that rather than the bargain should be dissolved, the former proposition should be yielded unto; and the rather because Mr. John Ferrar did affirm that Sir Arthur did promise and protest that, this being granted, there should be no other exception or alteration in the bargain, but should proceed on accordingly in all points as was agreed by the Company.

For the manner of yielding unto it Mr. Wrote being desired to draw up a form, did it in manner following: "It is agreed that it shall be signified unto the said Treasurer that the Companys for Virginia and the Somer Islands have that affiance in his Lordship's noble favour towards them, that they are contented to yield to his Lordship's proposition of bringing in of the best sorts of Spanish tobacco to the quantity of 40,000 weight for the first two years of the contract, intended as the market in Spain will yield at such times as they buy the same, unless his Lordship shall otherwise dispence therewith, for the King's service and good of the Companies;" which draught being presented to the Company and read, was well approved of and ratified by the court; and after the court being dissolved into a Somer Islands court, and the same again proposed unto that Company, it was in like manner ratified and confirmed by them.

November 13th, 1622. There was a great assembly at the court, the occasion of which was to go to a sermon to be preached before the Company that afternoon by the Dean of St. Paul's.

November 18th, 1622. The court being chiefly ordained for preparing of business for the quarter-court to consider of, there was first read the opinions of the Committee, set down in writing, touching the registering of passenger's names that go to Virginia in private ships, the copy whereof doth now ensue:

The committees find that there are very great inconveniences for want of a perfect register of all men's names that go to Virginia. First, the Company knoweth not what land is due to men, and every day unjust and false claims are put up, especially upon pretences of being heirs to persons that have and do transport themselves freely.

Secondly, when a review shall be made in Virginia how all men are possessed of their lands, which will be most necessary to be

done in regard of the great disorder and licentiousness which men there use in taking out land and not due to them, it will be a matter of great trouble to all private planters that came not in the Company's ships to prove that they came over at their own charges, and except they do that it will be very dangerous and unsafe to the Company to make confirmation of lands to them which perhaps others have better right unto.

Thirdly, it is a thing of marvellous great satisfaction to all men whose friends go to Virginia to understand when and how they went, and the contrary is of exceeding discontent and grief, divers persons coming from the furthest parts of England to enquire of friends and kindred gone to Virginia, and because there is only notice kept of those that go in the ships undertaken by the Company there can be no account given of the others, whereby ariseth likewise a great disreputation of the Company for want of judgment and providence in their proceedings.

Fourthly, the advantage of an uncontroul'd going doth invite many lewd and wicked persons to rob and steal from their friends, masters, etc., as hath been found by some examples in those ships which the Company did not undertake, very much to the disreputation of the action, and on the contrary no such thing hathe happened in those ships that are set forth by the Company, wicked and infamous persons not daring to shew themselves so much in the light, and yet, on the contrary, it hath not been any hindrance to any honest minded persons who, oppressed with poverty and debts, have of necessity, and not wickedly, been constrained to go.

For the redressing of these and many other great inconveniences, the Committees conceive these remedies : First, that it should be published and made known by a law and order that all persons desirous to go to Virginia should give up their names to the Company, and that no masters of ships should presume to carry over any without giving up the name of the persons to the Company.

Secondly, that for the receiving of passengers' names there should be a particular officer appointed, which they conceive fittest to be the Book-keeper, who should, towards the going of every ship, attend two or three days in the week, at the house where the courts are kept, to receive the names of all such persons as are to go to Virginia.

The same officer shall in a book register every man's name,

age, country, profession, and kindred, and likewise whether he go at his own charge or other, for doing whereof he shall have from the party such a fee as the quarter-court shall, from time to time, order him, and it being a small matter it cannot but be gladly given of the party in regard that it will be evidence for the getting out of his land in Virginia.

The said officer shall by every shipping send a copy of all the persons' names, as formerly registered, unto the Governor and Council of State, and from them shall be yearly returned an account what and how the persons come in every ship have been disposed and bestowed, to the intent that their friends here upon inquiry may receive satisfaction.

The said officer shall not reveal, till the ship be gone, the name of any passenger who shall desire to have his name kept secret, except that he know him to be a malefactor, unworthy to go, and if any shall come to enquire of any such person desiring to be kept secret, the said officer shall demand of those that enquire the reason of their enquiry, and shall therewith acquaint the Treasurer and follow the directions as he shall receive from him, either for the manifesting or concealing of the party.

For the ships that go not from London, but from other parts, they think fit the master should be bound by his commission to return to the officer here at London a list of the names as is formerly expressed, to be registered here in the Company's book, together with the fee for the same, neither shall they require therefor but one single fee.

Which orders being read, were well liked of and referred to the quarter-court for confirmation.

There was read the report of the committee touching the registering of contracts between men of the Company and their servants, as follows:

The committees find many great inconveniences and abuses in the carrying over of servants to Virginia upon conditions and bargains made by word of mouth.

At a quarter-court held the 20th of November, 1622, in the morning, Mr. Deputy acquainted the court with a noble gift of the Lord St. John, of Basinage[4] (viz:), fifty coats of mail, which

[4] Lord and Lady Paulett, of Basinge, entertained Queen Elizabeth September 19th, 1601.

for the defence of the country, at the motion of Sir John Davers, in the name of the Company, he sent up in August last, and were sent in the Abigail. The court so kindly accepted both of the gift and the manner, as they thought fit, that in their name, very hearty thanks should be presented unto his honour and understanding of the singular affection which his Lordship in his letter professed unto the plantation, they thought fit to choose him of the Council, and to bestowe on his Lordship ten shares of land Old Adventure, which, by erection of hands, were confirmed, hoping that thereupon he would afford them his presence and assistance here, and perhaps the right to so much land might invite his Lordship to the particular planting of it, to the increase and advancement of the colony.

Mr. Deputy further acquainted the Company that Mr. George Rugle, lately fellow of Clarehall, in Cambridge, being a brother of the Company, and newly deceased (which he said he could not without great grief mention) had, by his will, bequeathed £100 for the education of infidels' children, which he had caused to be put into the table, which the court well approved of, but seemed (at least the most part) to be ignorant of the reasons or qualities of the man; whereupon, desiring to be informed of both, Mr. Deputy told them that he was a man second to none in all knowledge of humanity, learning, and was so generally reputed in the University of singular honesty and integrity of life, sincere and zealous in religion, and of very great wisdom and understanding, all which good parts he had for these last three years almost wholly spent and exercised in Virginia business, having (besides continually assisting his brother and himself with Council and all manner of help in their places) written sundry treatises for the benefit of the plantation, and in particular that work so highly commended by Sir Edwin Sandys concerning the Government of Virginia, but such was his modesty that he would by no means suffer it to be known during his life, but now being dead, Mr. Deputy said he could not with a good conscience deprive him of that honour which he so duly deserved.

In the afternoon of the same day, the 20th of November, 1622, there were present in the great and general quarter-court—

The Right Hon'ble Earl of Southampton,
The Right Hon'ble Lord Cavendish,
The Right Hon'ble Lord Padgett.

| | |
|---|---|
| Sir Edward Sackvill, | Sir Henry Mildmay,[5] |
| Sir Edwin Sandys, | Sir Rob. Killegrew, |
| Sir John Brooke, | Mr. Edward Spencer, |
| Sir Rich'd Lovelace, | Mr. N. Ferrar, Deputy, |
| Mr. Gibbs, | Mr. Scott, |
| Mr. Wrote, | Mr. White, |
| Mr. Wilmer, | Mr. Bull, |
| Mr. Bromfield, | Mr. Casewell, |
| Mr. Risley, | Mr. Harrison, |
| Dr. Gulstone, | Mr. Newport, |
| Mr. Jo. Ferrar, | Mr. Fogge, |
| Mr. Porter, | Mr. Rossingham, |
| Mr. Jo. Smith, | Mr. Proctor, |
| Mr. Ro. Smith, | Mr. Addison, |
| Mr. Bland, | Mr. Palavience, |
| Mr. Sheppard, | Mr. Foxton. |
| Mr. Widdowes, | Mr. Bennet, |
| Mr. Baynham, | Mr. Wiseman, |
| Mr. Roberts, | Mr. Menerel, |
| Mr. Martin, | Mr. Stone, |
| Mr. Barber, | Mr. Garrett, |
| Mr. Colt, | Mr. Delbridge, |
| Mr. Wheatly, | Mr. Moorewood, |
| Mr. Cranmer, | Mr. Peake, |
| Mr. Bing, | Mr. Barkham, |
| Mr. Derds, | Mr. Penistone, |
| Mr. Tomlyns, | Mr. Sparrows, |
| Captain Bargrave, | Mr. Geo. Smith, |
| Captain Martin, | Mr. Hobson, |

[5] Sir Henry Mildmay, Knight of Woodham Waller (whose remote progenitor was Hugh de Mildmé, living in 13 King Stephen, A. D. 1147), the second son of Sir Thomas Mildmay, Knight of Chelmsford county, Essex, who purchased the manor of Moulsham, in the same county; married Agnes Reade, and died in 1590; succeeded his elder brother Thomas in the title. He was Master of the Jewel Office, and married Lady Frances Radcliffe, only daughter by his second marriage of Henry Radcliffe, Lord Fitzwith and Earl of Sussex. A son of Sir Henry, Robert Mildmay, of Waltham, married Mary, daughter and co-heiress of Sir Thomas Edmonds. The Mildmay family was connected with the St. John and Paulett families.

| | |
|---|---|
| Mr. Challoner, | Mr. Spruson, |
| Mr. Copland, | Mr. Bromfield, |
| Mr. Palmer, | Mr. Cheeley, with divers others. |

The Earl of Southampton acquainted the court that he had that morning received from the Lord Treasurer by Sir Arthur Ingram certain propositions concerning the contract which Sir Arthur Ingram certified by his letter that the Lord Treasurer would ratify and confirm without any further variation at all if the Company would yield thereunto.

The propositions being read, Mr. Deputy said that the difference of these now sent from them formerly sent by the Company was the cause that had so long kept their Lordships in council, and for the differences (after an exact perusal) they found them to be these, viz: That the 9th article was left out and two new ones added, which in these new propositions were the 8th and 10th article, whereof the first giving a third year for the bringing in of the 80,000 weight of Spanish tobacco in case it could not conveniently be done in the two first, was by their Lordships and all the Council conceived to be a matter of advantage and benefit; but the two others were the things they were now to take into their consideration, for the first, which was the 5th article left out, concerning the getting of a rate and price upon the tobacco as well for the Company as the retaylers, Sir Edwin Sandys said that the Lord Treasurer did therefore leave it out, because it is thought needless, at least the first part, for setting a price upon the Company's tobacco, it being in their power to do what they would therein. And for the rest, in case the price should be stinted in the proclamation, it would not be in the Company's power afterwards to raise it, which he esteemed might prove of so great damage unto them as if they knew themselves they would no way desire it. Against this it was objected that the restraining of the moderate prices of tobacco by stinting it at a reasonable rate would be of great reputation to the Company, in regard that thereby men should not have the occasion so much as to waste their estates; and further, that by stinting it at a reasonable price would cause that men would not so boldly adventure to steal it in, when the danger and hazard was so great if they were taken, and the gain would not be great tho' they escaped; and this the committee in their great consultations conceived to be one of the main stops and bars to keep out Spanish

tobacco; to which it was replied that the prices could not be so low limited, but with such a largeness as there would be left a great deal of advantage to them that could steal it in, wherefore that prevention would not in effect prove of that weight as was conceived, and for the first objection, it was said that if the Company from the first hand did sell at different rates, it was impossible for the retailers any long time to sell at excessive prices, for all men would after a short time fetch it of the Companies, as it were at the well head, if they found they were exacted upon by the retailers.

It was moved by some that if it were not fit the prices be stinted by the proclamation, yet it might be agreed that the Companies should have power to stint it from time as they pleased; but that was generally adjudged to be a thing contrary to all the rates of trading and of equity, and such as no retailers would deal with the Company upon, for having the sole sale in their hands, it was in their power to have what they would of them, and if likewise it were in their power afterwards to set their prices it would be in their hands at all times for to render them for their own advantages; neither was this proposition thought to be sufficiently qualified by a motion which some made, to restrain the alteration of prices to two set times of the year only; wherefore after long and serious debating of the point, it was put to the question, and by hands ordered that that article, as the Lord Treasurer desired, should be clean left out.

For the second proposition it was, after much debate and reasoning, thought to be so dangerous as the Companies might no ways thereunto agree, it being conceived that estimation of the damage might be so great as might undo the Company; wherefore it was thought most necessary to desire a qualification of that proposition, and to reduce the danger unto some kind of certainty, if nothing else could be obtained. To which intent the Earl of Southampton was humbly requested by the court, together with Sir Edwin Sandys, to treat with the Lord Treasurer thereabout and to bring it to such form as might be tolerable; which if it could be obtained in any reasonable sort, the Company seemed inclinable to accept of it; and whereas now nothing could be concluded, the court did transmit the power of it, fully ratifying and confirming the bargain and contract, to the quarter-court for the Somer Islands, to be held the Wednesday after,

whereunto all the adventurers were to be likewise warned. And although in this point the letter of the law might in rigor seem something violated, yet the necessity being duly considered, and withal that the Somer Islands Company is equally engaged in the businesses, and that all the particular members thereof are of the Company of Virginia, it was not thought fit nor adjudged any wrong or injustice by way of consequence to conclude in a Somer Islands quarter-court the bargain for the Virginia Company no more than it was for the Somer Islands Company to be included by way of anticipation in the bargain that was at the last Virginia quarter-court passed for both; and further it was ordered that a Virginia court should be warned in on Friday, being the preparative court for the Somer Islands, and therein to take further resolution as should be thought fit.

It was ordered that the book-keeper should have the registering of passengers' names that go to Virginia, as of the contracts between masters and servants that are sent thither.

November 22d, 1622. This day being the preparative court for the Somer Islands, after the Somer Islands court had passed all the particular businesses that were to be considered of and come to the great matter, the contract with his Majesty, they, thinking it most convenient to receive the information of what the Earl of Southampton and Sir Edwin Sandys had done concerning the qualification of the proposition referred unto them by the Virginia quarter-court from them as in a Virginia court, desired that the Somer Islands court being suspended a Virginia court might begin, which accordingly was done, the Earl of Southampton taking the chair.

And after a recapitulation of all that had passed the quarter-court, he presented the eight propositions qualified in the manner following (vizt.):

And it is desired that an indifferent covenant be drawn up by his Majesty's learned Council and the Council for Virginia and the Somer Islands, that in case an extraordinary charge shall have been laid upon the said Varinaes tobacco by the State of Spain since the feast of St. Michael the archangel, last past (being the time whence this contract is to have its beginning), or hereafter shall be laid during the time of three years from thence next ensuing more than was at the said feast of St. Michael last past; in such cases the Companies shall be clearly discharged of their said

contract of bringing in of Spanish tobacco from the time the said extraordinary charge shall be laid until it be reversed, and after the reversing thereof the quantity of the best Varinaes tobacco which shall then remain unbrought in of the said 80,000 weight shall be brought in within the compass of the first three years which shall be or have been clear from the said extraordinary charge, to be computed from the beginning of this contract, and in case there appear any practice by the said merchants of Spain or others, by means whereof the said Companies cannot make their provisions of the said quantities of the said best Varinaes tobacco as they have agreed unto but to their excessive charge, in such case the Companies are not to be pressed upon the said covenant in extremity, but to make his Majesty such satisfaction as shall be just and conscionable; but if by the practice fraud or negligence of the said Companies or their factors or their deputies the said quantity of 80,000 weight of the best Varinaes tobacco shall not be imported within the compass of the said first three years, then the said Companies shall be answerable to his Majesty for every pound weight so wanting of the said Varinaes tobacco belonging to his Majesty's third after the rate of 10s. ℔ pound weight, which being read the Earl of Southampton acquainted them that although the words were drawn up by Sir Edwin Sandys, yet it was directly according to their agreement with my Lord Treasurer, and that his Lordship gave him order so to set it down, and that (he said) was all and the best that they could obtain; wherefore he willed the Company would deliver their minds freely whether they would in this manner accept of the bargain or no. Whereupon, although there were some few exceptions taken at it, yet in the end the court seemed to conceive a necessity in concluding the bargain for the maintenance and upholding of the plantation, and that having yielded to so many things certainly prejudicial unto them in matters of profit, it were not wisdom now to break upon fear of uncertain dangers which they might easily, by God's blessing, through good care and providence, overcome; wherefore, esteeming of this bargain (as they were advised by a noble and honourable person) not as good meet well sawced, but of a portion necessary for their health, being willing, as his Lordship said, *devorare molestiam* of this bitter pill, they desired the Earl of Southampton to put it to the question; whereupon the articles

UNIVERSITY OF CALIFORNIA



were, by erection of hands, confirmed and approved accordingly as it was read, after which his Lordship said that since now they were in such likelihood to conclude the bargain, himself and the rest of the Lords, together with the committee and Council, which had met on Tuesday before the quarter court, thought it most requisite to nominate some of the principal officers, who were to have the managing of this business; which being well chosen, both for sufficiency and integrity, would give much encouragement and content to both the Companies and colonies and all others that had interest in the business. Hereupon the Lord Cavendish acquainted the court that the Committee thought that there was to be one chief man to govern and direct all, and that next under him there should be a Deputy and then a Treasurer, and next them eight Committees at the least, besides the officers; as for the places of Treasurer and Deputy, although they were two distinct places and offices, yet because they were afraid this year not to be able to raise such a sufficiency of means as might be a just reward to two such persons as were requisite for the performance of those several places, they thought it best to unite them for this year, and that the Treasurer, besides that office, should likewise be the Deputy to the Director, which course the court seemed well to like of, and thereupon nominated Sir Edwin Sandys for Director, who very earnestly besought them to spare him, being unexperienced in matter of merchandizing and trading, of both which that officer would require exact knowledge, besides he could not continually reside in town, having a great family in the country, and began now, as he grew old, to wax weak, and proposed rather to withdraw himself from business of the world than to engage himself farther; but the court, not satisfied with his reasons, earnestly pressed him (and in particular the Earl of Southampton and the other Lords) not to refuse the place wherein he might do so singular service unto the plantation, the whole welfare of which did almost depend upon the good managing of this business; whereupon, by a general vote of the court, it being put to the question, he was nominated to stand in election for that place at the quarter-court.

Next the court proceeded to the nomination of a Treasurer, for which proposing Mr. John Ferrar, he desired the Company to consider what a burden of business they had already laid upon him, which had made him to neglect his own private estate for

almost these four years together. All which, although the court acknowledged, yet they held him so fit a man for that business as that they would propose no other to be Treasurer, and thereupon, being put to the question, he was, by a general erection of hands, nominated to stand in election for the place of Treasurer, whereunto at last he submitted himself; as for the nominating of the committees and other officers, with the salaries, the Earl of Southampton thought it most fit to leave it to the consideration of the quarter-court on the next Wednesday.

November 27th, 1622. This day was held the quarter-court for the Somer Islands, who being come to the great business of the contract, it was moved by the Lord Cavendish that the propounding, debating and passing of all these things concerning the matter reserved for that day might be first ordered and performed in a Virginia court, which was thought very fit; and, thereupon, the Earl of Southampton took the chair, and, because it was somewhat late, he put the continuance of the court after 6 o'clock to the question, which was by erection of hands ratified.

His Lordship then signified unto them that, according to the request of the quarter-court, himself and Sir Edwin Sandys had obtained of the Lord Treasurer a qualification of the eight propositions, which was the only thing left unconcluded by the Virginia Company, which qualification having been presented to the preparative court for the Somer Islands, and approved by them, and likewise well approved by the Virginia court, held the same day, he had caused the propositions agreed upon to be presented to the Lord Treasurer, who had signed them with his hand, which his Lordship shewed unto the court without any manner of alteration in anything from that which the court desired, onely having struck out certain words in the seventh article, for some reasons as his Lordship's letter signified, no ways importing the Company nor the contract, which words the court, judging not to be material nor of moment, thought fit therein to give the Lord Treasurer satisfaction, and the rather because the Lord Treasurer (as the Earl of Southampton shewed them) had so willingly let the word (received) stand, which the Company has interlined after the word (profit) in the sixth article, for the better clearing of the doubt they then made about it.

Hereupon, after some pause, the court seeming all well satisfied and contented, and no objection or scruple being made by

any, the Earl of Southampton said that, if they were so desired, he would put both the eighth proposition as it was qualified and the whole bargain to the question, which the court generally desired; and thereupon his Lordship putting both to the question, the eighth article (as it was qualified) and the whole bargain, the same was ratified and confirmed with an unanimous consent by a general erection of hands, no one dissenting.

This being passed, the Earl of Southampton said that since they had now concluded the contract, they were to take order for the good execution and performance thereof by the choice of able and faithful officers to manage the business, with salaries proportionable in some measure for their pains, and by setting the whole business into a good course and frame, especially the bringing in of the Spanish tobacco, a point of great importance, and not to be delayed, nor cou'd be concluded upon except on this day, which was the quarter-court for the Somer Islands, and had also the power of the quarter-court for Virginia concerning these things, his Lordship said that himself, with the Lords then present, and the Council being assisted by the Committee, had spent all Tuesday, both forenoon and afternoon, in consultation and consideration of these points, and their payments and opinions hereon he would now deliver unto the court, desiring them likewise freely to deliver their judgments and opinions either for the approbation or otherwise of what he should now propound unto them, which he said himself, the Council and Committees, had taken into consideration, not with intent to conclude anything or to prejudice the courts, but only the better to prepare the businesses for them, esteeming themselves, as his Lordship said, as servants of the court.

For the first, therefore, his Lordship said that accordingly as was propounded formerly and in the preparative court, they conceived there was to be one principal officer by the name of a Director, upon whom the whole success of the business almost depended.

Committees, book-keepers, solicitor, husband and beadle were then appointed. The two cashiers and clerks were left to the choice of the Treasurer, as he was to be answerable for them.

After the ending of the Virginia court, the Lord Cavendish took again the chair, and so the Somer Islands court went on, when his Lordship, recapitulating orderly and distinctly all the

several things that had been propounded, debated and passed in the Virginia court belonging to the contract, desired the Somer Islands Company to declare their minds and opinions concerning the same, which they did by a general assent, approving of all things without any manner of exception at anything at all, and generally desired his Lordships to put the thing to the question, which, accordingly, his Lordship did, and the whole contract and all the particulars thereof were, by erection of hands, ratified and confirmed in all points accordingly as the Virginia Company had passed them.

Upon the dissolving of the courts, the Earl of Southampton and the Lord Cavendish stood up, and both of them praying God that this business might be to the advancement of the plantation (to which only they protested they had respect in all the carreage thereof), desired the whole Company now to make their best of that which themselves had concluded, and like worthy and honest-minded men, to give their best help for the good execution thereof, and to join with sincere hearts and willing hands in the good accomplishment and performance thereof.

At a court on the 4th of December, 1622, some dissatisfaction was expressed at the amount determined upon for salaries, and the contract was again the subject of remark.

Sir Edwin Sandys took occasion, in defence of this contract, to inform the court of the manner of the bargains, proceeding from the very beginning, and how that they were by a necessity of continual prejudices drawn on by their projects (who it seemeth affected more than their own private commodity than the prospering or subsisting of the plantations) to a willingness, yea, and desire of making some contract with his Majesty, hoping under it to enjoy all gracious favor on their businesses. First he said there was 6d. ℔ lb. laid upon tobacco above the former custom, and although the patent did clearly free them from it, yet they were opposed by * tough an adversary (who farmed the 6d.), that it was to their loss at one time to the value of above £1,000 sterling; the next year after, upon the patent for sole importation granted under Sir Thomas Roe and his associates, they were constrained from bringing in any more than 5,500 weight from both the plantations; and the year immediately following (it seemeth) upon some new project, he heard that they had required to bring in all the tobacco of both the plantations.

The variety of crosses advised them to listen to the making of some settled contract with his Majesty, as well for his Majesty's profit as for the benefit of the plantations, thereby to exclude new practices of the same or other new projectors, and yet this very contract for the sole importation of tobacco had its beginning from an offer made by some principal members of the Company (one whereof was then present), as was openly delivered at the Council Board by a very Hon'ble person in the hearing of many on both sides then attending, which offer of theirs being of a large proportion of money, was the occasion of those courses which have been since pursued, which in fine are determined in this contract, which as it hath pursued in all the most material points the judgment of the House of Commons in the late assembly of Parliament, so he hoped that being weighed in the equal balance of Judgment (the present state of all things considered), to tend both to the safety and benefit of the plantations and no less to the reasonable profit of all adventurers.

Captain Argoll was advised by a letter from some of the Council in England that at the landing of the Lord Le Waire in Virginia he was to surrender his place, but Lord La Waire having died on the way Argoll continued to act as Governor. His government at that period was complained of, and made the ground of articles afterwards in England by Captain Brewster. The complaint of Brewster was, that Argoll had tried him by martial law; that he was sentenced to death for no crime worthy of it, and that these proceedings took place after the arrival of the *Neptune* in *Virginia*, when, as *Brewster* conceived, the powers were at an end. It was adjudged in England by the Council of Virginia, that as Lord La Waire was prevented by death from landing, Argoll continued lawful Governor. The Council also at one time approved of the trial by martial law, "holding Captain Argoll not faulty therein, by reason he proceeded and followed the example of his predecessors, and the custom altogether used hitherto in that plantation, which" (it was said in the order of the 14th of June, 1619,) was "likely to continue till the standing orders for Virginia be made and enacted, and he being tried by a martial court, the Council held it to be the noblest trial, being judged by soldiers and men of worth." But it being objected that *Argoll* proceeded unduly, for that Brewster had committed no crime worthy of death, and

was first condemned and afterwards called to answer, the Council ordered Brewster's appeal and Argoll's answer to be enclosed with a letter of the Company to Sir George Yeardley and the Council of State, and they to make examination of the cause and return certificate thereof; an oath was also exhibited by Captain Brewster, as administered to him in Virginia, which was likewise sent there for information of the truth thereof.

On the 15th of December, 1619, the following proceeding took place:

"Captain Argoll, upon his own desire to answer to such crimes as are computed to him in the time of his Government, hath been sundry times summoned to meet the Council at Southampton House, where having set many days, Mr. Treasurer now presented the passage of their several proceedings with him, divideing his charge into three parts: 1, his offences in matter of State; 2, the depredation and spoil of the publick with other offences to the Company and Council; and, 3, his oppression there of the colony in general and sundry particular men.

"To the two first Mr. Treasurer, upon the desire of the Council, was content to collect the faults and set down in articles the grievances of the Company, because the said Captain Argoll desired to answer every point in writing. But the third, of oppressing the people, having no affinity with the two other parts, may be answered by themselves when certificates shall be returned from thence of the same, he having answered to the four first articles of matter of State. The second part of depradation was delivered unto him in eight articles by Mr. Treasurer, earnestly desiring the court (as the Council thinks it convenient) that the prosecuting thereof might be taken out of his hands and referred, according to the Council's order, unto a lawyer and a merchant to solicit the Company's cause against him; and also Captain Argoll desired that in respect he was no great scholar, that he might have liberty to entertain a Council to defend his cause." So the court, for the Company have now made choice of Mr. Edward Herbert for their lawyer, and Mr. Thomas Keightley for the merchant, agreeing that all the writings and evidences shall be put into their hands, and that the Treasurer and Council shall be judges of the business, Mr. Deputy promising to inform and ease them as much as he can, allowing also of Captain Argoll's request.

Whereupon he made a second, that in regard Sir Thomas Smith was then Treasurer, and may say something to some orders which was given him, that this business may be heard at his house, which Mr. Treasurer said he would not gainsay whensoever the matter were handled to the knowledge of Sir Thomas Smith; and the rather for that the first proceeding against Captain Argoll proceeded from Sir Thomas Smith and Mr. Alderman Johnson and some others, as appeareth both by their letters to Captain Argoll himself of the 3d of August, 1618, as also by their other letters to the Lord Lawarr at the same time, wherein they charge him with all or most of the said crimes, and that in very sharp sort, requiring the Lord Lawarr to send him home to his answer, to sequester his goods there, and to restore to the publick all such cattle as he had alienated without lawful warrant.

*A copy of a letter sent to Captain Argoll in the good ship the William and Thomas:*

"Sir,—We received your letters by the George directed to the Right Honourable Lords, etc. Before the receipt whereof we had finished ours, which we purposed to have sent to you by this conveyance without expecting the George's coming; but by the unexpected contents of yours we are driven to lay by our former and briefly declare our minds in this, wherein we take no pleasure.

"You know how many ways you have been chargeable to the Company, not of late only, but formerly when you contrived the fruits of their expense to your own benefit without being called to an account. They have also put honourable reputation upon your person, and presuming of your wisdom and discretion, they made you Governor to follow their commission and instructions, which, in the person and protestation of an honest gentleman, you undertook.

"And therefore it is very strange to us to see you change and differ from yourself, which by your words and deeds, being the testimony of your mind, we do sensibly see and feel, as in particular you intimate first to us you hold yourself disparaged in that we sent you our last letters subscribed by so few hands; we termed you but Deputy Governor, and that we should think our cape merchant a fit man to deliver our letters to your hands. You heap up also many unjust accusations against us and the

magazine, nourishing thereby, instead of pacifying, the malecontent humour of such as seek to bring all to confusion and to overthrow that which is settled upon just and equal terms to be props of the plantation there and the life of the adventurers here, which both undoubtedly must stand and fall together. But we shall easily put by all these, your weak imputations, when time shall serve to debate the particulars, and when yourself, we fear, will not be able to answer your own actions; nay, your own letters dated at James Towne, in March, 1617, shall justify us in some of those particulars touching the magazine, wherein you are contrary to yourself.

"Tobacco and sassafras only, for just causes, are restrained at reasonable rates to the magazine, and you being Governor restrain no man, but passengers, master and mariners bring the greatest part of tobacco and all the sassafras for themselves. It is laid unto your charge that you appropriate the Indian trade unto yourself. You use our frigate that came from the Somer Islands and the other with our men to trade for your own benefit. You proclaim in the colony that no man shall trade with the Indians nor buy any furs but yourself. It is also justified that you take the ancient planters of the colony, which ought to be free, and likewise these from the Common Garden, to set them about your own employments, and that you spend up our store-corn to feed up our own men, as if the plantation were only intended to serve your turn.

"We cannot imagine why you should give us warning that Opachankano and the natives have given their country to Mr. Rolfe's child, and that they will reserve it from all others until he comes of years, except as we suppose, and as some do here report it to be, a device of your own to some especial purpose for yourself; but whether yours or theirs we shall little esteem of any such conveyance.

"You say you have disposed of all our kine according to our commission. It seemeth you never look upon our instructions. We gave you no such commission, but the contrary in express words: that you should preserve and nourish them to the common use, only a few which we had disposed of, whereof we send you the particulars. We thought it impossible when we made you Governor that ever you should offer us this kind of dealing; not once to mention how many, to whom, nor for what considera-

tions, but to do them all away of your own head, and to take satisfaction to yourself. We must let you know that we allow of no such sale, nor of the delivery of any one cow by you further than your instructions do expressly warrant.

"But answerable to this and the rest, you have also dealt with us for the hydes, for which it's well known to yourself what trouble we had with the Admiral and the Spanish Ambassadors, and how dear they cost us, and we knew how much it would have imported us to have had them sent by this ship, as well for the reputation of our return as also for helping to defray the great charge of the voyage; notwithstanding they have been fairly demanded of you, it hath pleased you to stay them there in your own custody and to suffer the ship to come home with other men's goods, not once vouchsafing to mention the hydes in your general letter, but in this manner, 'that you being made admiral do know how to dispose of unlawfull purchase,' and by this we must understand the hydes to be yours. As for the debts and wages you say you have paid for us, we marvel you do not send us a note of the particulars, for to our knowledge we are not in that kind indebted to any man; if that there be any such, or that you have provided any stuff for the college as you writt, yet you must not imagine that we are so insensible of reason as to suffer either of those to be a cloak for you to detain our hides or to convey away all our cattle and corne. Either you must think highly of yourself or meanly of us, as that being our substitute you will presume to offer us these wrongs and to suppose you may do what you list in such a publick cause without being called to an account; we have therefore determined of a course and we have written to the Lord Governor, which we doubt not but his Lordship will impart unto you, and so we rest your very loving friends.

"THOMAS SMITH, JOHN DAVERS,
"LIONEL CRAWFORD, JOHN WOLSTENHOLME,
"ROBERT JOHNSON, WILLIAM ESSINGTON.

"LONDON, *22d of August, 1618.*"

*Taken out of the copy of a letter sent to the Lord De Lawar by the William and Thomas, the 23d of August, 1618, touching Captain Argoll:*

"We are now inforced to write unto your Lordship of important

matter of another nature, which is touching Mr. Samuel Argoll, whom we made Governor in your Lordship's absence; we make no doubt that he hath delivered the government, with an account of his doings, unto your Lordship's hands; we have received from him by the George a very strange letter which, together with the informations which we have by sundry witnesses lately come from thence against him, do import more uneasiness and discontent to the adventurers here and more hazard to the plantation than ever did any other thing that befell that action from the beginning. His discontents, in that we subscribed our letters sent unto him with so few hands, our terming him to be but Deputy Governor, he disdaining to be deputy to any man, our letter to be delivered unto him by so mean a man as the cape merchant, with many such like which we set over; and chiefly we must complain unto your Lordships of his neglecting and transgressing our commission and instructions: First, he hath made away all the kine belonging to the colony and taken satisfaction for them to himself, whereas we gave him express charge n his instructions to preserve and nourish them to the common use, except some few which we had disposed, whereof we writ to him in particular. He hath suffered mariners, passengers and others, without restraint, to ship most of the tobacco and all the sassafras which, by order of the court at certain rates agreed upon, are appropriated to the magazine. He arms himself and others with unjust accusations against us to overthrow the magazine, without which we know assuredly that neither the adventurers here nor the plantation there can long subsist. He hath gotten possession and keeps back our hydes, under pretence of being admiral, which cost our joint stock very near £400, with a great deal of toyl and trouble, before we could obtain them; with his obstinate refusal to deliver them, he hath done us so great displeasure at the returne of this ship as he could not have watched to have done us a greater. He hath forbidden all trade and commerce with the Indians, but trades amongst them himself with our Summer Islands frigatt and our men to his own benefit. He takes the ancient colony men, which should now be free, and our men from the common garden to set them about his own employments and, with the colony's store of corn, feeds his men. He proclaims that no man shall dare to buy any skins or furrs of the Indians but himself, as if the plantation and people there

were ordained only to serve his turn. These and too many like errors are laid to his charge, for which the adventurers here will no ways be satisfied without his personal appearance to make his answer, and they are hardly restrained, notwithstanding the King is far off in progress, from going to the court to make their complaint and to procure his Majesty's command to fetch him home, and therefore we pray your Lordship, for the avoiding of farther scandal and slander to the government of our plantation, that you will cause him to be shipped home in this ship, the William and Thomas, to satisfy the adventurers by answering the adventurers such things as shall be laid to his charge, and for that we suppose there will be found many misdemeanors of his for which he must make satisfaction to the Company. We pray your Lordship to seize upon such goods of his as tobacco and furrs, whereof it is reported he hath gotten together great store to the colony's prejudice, and to send them to us to be in deposite till all matters be satisfyed, and that your Lordship would be pleased to take back again those kine and bullocks which, by his unlawful sale, are dispersed here and there, and that they may be brought together again to the colony's use and to such others of the Hundreds as the general court, by your Lordship's consent, did order and appoint.

"Y'r Lordship's very assur'd to do you service.

"Sir THOMAS SMITH, Sir JOHN WOLSTENHOLME,
"Sir JOHN DAVERS, ROBERT JOHNSON.

"LONDON, *23d August, 1618.*"

This letter Lord De La Warre never received. After his ship left the Western isles there were contrary winds, and during this time many aboard became sick. Of these, thirty died, one of whom was Lord De La Warre, to whose "noble and generous disposition" and his zeal in advancing the colony, *Argoll* testifies. He thought, however, that Virginia had not then grown to such maturity as to maintain the state and attendance that were fit for such a gentleman. A plain soldier that could use a pick-axe and spade he thought better in Virginia then than five Knights, although they were Knights that could break a lance.

The ship got upon the coast of New England "when they met a small Frenchman, rich of beavers and other furs," who "made them such a feast with such an abundance of variety of

fish, fowl and fruits, as they all admired," little expecting that wilderness could afford such wonderful plenty. Taking on a good supply of fish, fowl, wood and water, they were enabled, after being at sea sixteen weeks, to get to *Virginia*. Another ship (the Treasurer) arrived not long after with forty passengers.

The ship on which the Lord De La Warre sailed lay in Virginia three months, and was then furnished with sixty bushels of corn and eight hogsheads of flesh. Advice being brought by this ship that preparation was making in England for sending out great multitudes who would rely upon finding sufficient food in Virginia, a Council was called, and a letter written to the Council in England setting forth the state of the colony, "and what a great misery would ensue if they sent not provision as well as people, and what they did suffer for want of skilful husbandmen and means to set their ploughs in work, having as good ground as any man can desire, and about forty bulls and oxen," but wanting men to bring them to labor, and irons for the ploughs and harness for the cattle.

*Richard Killingbeck* being at *Kecoughtan*, obtained leave to return to his wife at *Charles* Hundred. Going to *Jamestown* he there got four or more to accompany him, as it appeared afterwards, for the purpose of trading with the Chickahominy Indians. The Indians seeing what a show of articles they made, partly to get it, and partly for revenge of some friends they alleged to have been slain by Captain *Yeardley*, made an attack upon them. One of the Indians with an English piece shot *Killingbeck* dead, and the other Indians slew the rest, stripped them and took what they had. The following Sunday one Fairfax, who lived a mile from town, went to church, leaving his wife and three small children and a boy with them. His wife, when she supposed the church service was over, left her children and went to meet her husband. Soon after which, three or four of the Indians entered the house and slew the three children and the boy. A youth, who came out of church during service and met them, was likewise murdered. Argall sent for satisfaction to *Opachankano*, who alleged that what had been done was without his knowledge, declared that the peace would not be broken by him, and expressed a hope that the injury done by the murderers would not be revenged upon the innocent people of the town, promising as soon as the robbers could be caught to send him their

heads for satisfaction, telling him also he should have the town, and sending him " a basket of earth as possession given of it." The promise to send the heads of the murderers remained unperformed.

In December, 1618, one Captain *Stallings*, an old planter in *Virginia*, being employed on a fishing voyage in *New England*, encountered a French vessel, which he took. Leaving his own ship to return to *England*, he, with a small company, remained in the captured vessel some short time after upon the coast, and then returned to winter in *Virginia*.[6]

The following must have been one of the last of Argoll's official acts:

" *By the Admiral and principal Governor of Virginia:*

" To all to whom these presents shall come, I, Samuel Argall, Esq., and principal Governor of Virginia, do by these presents testify, and upon my certain knowledge hereby do make manifest the bounds and limits of Jamestown how far it doth extend every way—that is to say the whole island, with part of the main land lying on the east side of Argall town, and adjoining upon the said island also the neck of land on the north part, and so to the further part of Archer's Hope; also Hog Island; and from thence to the four mile tree on the south, usually called by the name of Tappahannock, in all which several places of ground I hereby give, leave and license for the inhabitants of Jamestown to plant as members of the corporation and parish of the same. In witness whereof, I have hereunto set my hand the 28th day of May, in the year of our Lord 1619, and on the 12th year of the plantation."

Soon afterwards there arrived a little pinnace from England for Captain Argoll, who within four or five days returned in her, leaving in command Captain Nathaniel Powell.[7]

---

[6] Captain Stallenge was "slaine in a priuate quarrell." Smith, in his *New England Trialls*, London, 1622, says that his name was Edward Rowcroft. In another work, published by the Council of New England, he is called Rocraft.—*Neill's Virginia Company*, page 163.

[7] Captain Nathaniel Powell of the Council was acting Governor of the colony from the departure of Argall, April 9, 1619, until the 19th instant, when Governor George Yeardley arrived. Powell, with his wife and eleven others, was slain at his plantation, " Powle-Brooke," by the Indians in the memorable massacre of March 22, 1622.

*Argoll's government complained of. Nature of the complaints and proceedings against him before the Company in England.*[8]

March the 20th, 1620. The Council having heard the general letter from Sir George Yeardley, gave order for the satisfaction of the Company that it should be publickly read unto them, wherein was complaint of sundry grievances done by Captain Samuel Argoll, partly concurring with some of the 12 articles by the Company exhibited against him, unto which he formerly * * having delivered his answer to four of them, did now present answers to the rest, which, upon the motion of the Company's Council, Mr. Treasurer delivered to the Secretary for to copy out and to keep the original, whereby the said Captain Argoll hereafter may not say but that they are the very same which he now delivered; and for as much as he informeth that divers of Virginia were lately come over and now here which can give testimony of his proceedings, he therefore desired a commission from this court whereby to examine them for the better cleering of himself. But being answered that it was not fitting himself should examine them, but rather some of the Council, to which purpose they wou'd nominate four and he should nominate other four, and they wou'd except against two of his and he shou'd except against two of theirs, which 4 or 2 of them, so they be of either side one as they are chosen shall take the testimony of them accordingly, to which he willingly condescended and named Sir Nath. Rich, Sir Ferdinando George, Mr. Recorder and Mr. Maurice Abbott, of which the Company excepted against Sir Ferdinando George and Sir Nathaniel Rich. which done, the Company named Sir John Davers, Mr. Brooke, Mr. Gibbs, and Mr. Deputy, of which he excepted against Mr. Brooke and Mr. Deputy, so that the 4 chosen for this business are:

Sir John Davers and
Mr. Thomas Gibbs, } *for the Company.*

Mr. Recorder and
Mr. Maurice Abbott, } *for Captain Argoll.*

[8] This chapter is prepared from the records of the Company. One copy of those records is in the library of Congress (chapter 23, page 236); another copy was the subject of a bequest in the will of John Randolph.

1620. April 8th. A petition now exhibited by the friends of Francis Newman, who being sent a Freeman, and there sustaining great Bondage and slavery by the means, as is alledged, of Captain Argoll, for the cleering of which it is referred to the articles by the Company preferred against him, and in the meantime have agreed to write to the Governor for his releasement, if upon due examination he find no cause to the contrary.

May 15th. Whereas this day was appointed, by order of court, for the hearing the cause betwixt Captain Argoll and Captain Brewster, the said Captain Brewster made his appearance and desired to be heard, but forasmuch as Captain Argoll was absent, and in his behalf was alledged that he desired to be excused, insomuch that he was appointed to attend the Spanish Ambassador, the court, upon the request of the said Captain Brewster, deferred it till Fryday afternoon next, requiring the Secretary once more to give him notice thereof.

May 17th. It was agreed that the business betwixt Captain Argoll and Captain Brewster should be deferred till Tuesday, at two of the clock, and then peremptorily to be heard without further delay.

May 23, 1620. This day being appointed by order of court, was spent in hearing the cause betwixt Captain Samuel Argoll and Captain Edward Brewster, touching his condemnation at a marshall's court in Virginia, at such time as Captain Argoll was there Deputy Governor; the proceedings wherein will appear by sentence of the court which, at the request of Captain Brewster, was order'd to be set down in writing and sealed with the seal of the Company.

The sentence of the court touching Captain Brewster's condemnation is this ensuing:

*The Treasurer, Council and Company of Adventurers and Planters of the City of London for the First Colony in Virginia:*

To all unto whom these presents shall come to be seen or heard—Greeting: Whereas, Captain Edward Brewster hath heretofore exhibited, as well to the said Council as also to the said Treasurer and Company assembled in their general court, a complaint in the nature of an appeal against Captain Samuel Argoll, late Deputy Governor of Virginia, and from a sentence of death awarded against the said Captain Brewster by a marshall court

in Virginia, called and assembled by the said Captain Argoll the fifteenth day of the month of October, 1618, which sentence the said Captain Argoll in his answer to the said complaint maintained to be just and good, for the hearing and final ordering of which cause in variance, after examination and depositions had and taken at the tryal of the said cause in Virginia, together with the preceeding and sentence of the said marshall court, by virtue of a commission by us granted, were returned from Virginia, and after divers days of hearing formerly set down, and adjourned from time to time upon default of appearance of the said Captain Argoll, it was now lastly ordered in a great and general court, commonly called a quarter-court, held the seventeenth day of May, 1620, that on the Tuesday ensuing, peremptorily and without more delay, in a general court, to be summoned for that purpose, the said cause should receive a full and final hearing and determination.

At which day, being the three and twentieth day of the said month of May, in a great court held by the Treasurer and Company, whereat were present the Right Honourable Henry Earle of Southampton, William Lord Cavendish, Edward Lord Sheffield, William Lord Pagett, Sir Edward Sackville, Knight, Sir Francis Leigh, Knight of the Bath,[9] Sir Nicholas Tufton, Knight, Sir Edwin Sandys, Knight, Sir John Davers, Knight, Sir Henry Rainsford, Knight, Sir Francis Egcoke, Knight, Sir Thomas Welforde, Knight, Sir Thomas Wroth, Knight, Sir Walter Earle, Knight, Sir John Wolstenholme, Knight, Sir Henry Mainwaringer, Knight, Sir Edward Lawley, Knight, Thomas Gibbs, Esquire, George Sandys, Esquire, Samuel Wrote, Esquire, Mr. John Ferrar, Deputy, and a great number of the generality of the said Company. The said Captain Edward Brewster and Captain Samuel Argoll being personally present, after a full hearing as well of the said Captain Brewster as of the said Captain Argoll, with their several declarations and allegations on both sides, and after mature deliberation and weighing of the whole cause, with the commissions, depositions and other writings produced, it was by us, the said Treasurer, Council and Company, finally ordered and determined as here ensueth :

---

[9]Of Newnham, in Warwickshire, subsequently Earl of Chichester. Baronetage extinct.

Forasmuch as it appeareth by his Majesty's letters-patents, bearing date the three and twentieth day of May, in the seventeenth year of his Majesty's reign of England, etc., that all proceedings in matters of justice to be used and exercised in Virginia are to be framed as near as may be agreeable to the laws, policy and form of government of this realm of England, and that the grant of the use of martial law in Virginia is, in the said letters-patents, expressly restrained to the cases only of rebellion and mutiny, in like sort as his Majesty's lieutenants in the several counties of England have power by their commissions to exercise the same; which declaration of his Majesty's pleasure, touching the administration of justice in Virginia, was expressly incerted in the commission for the place of Governor granted to the said Lord Lawarr, unto which commission and the several clauses therein contained the commission for Deputy Governor, granted to the said Captain Argoll, had manifest referrence. And for as much also as it did no less plainly appear, and was generally acknowledged that, at the time of the said tryall in Virginia, the country people there had and enjoyed an universal peace and tranquility at home and abroad.

And moreover it appeareth by the proceedings and sentence of the said martial court, authentically certified and returned to us, as also of the examinations there had and taken, that the said martial court proceeded against the said Captain Edward Brewster upon the two and thirtieth article of their martial law, set down in these words, viz: "No man shall offer any violence, or contemptuously resist or disobey, or do any act, or speak any words which may tend to the breeding of any disorder or mutiny in the town or field, or disobey any principal officer's directions, upon pain of death." And that the fault wherewith the said Captain Brewster was charged, and which was justified against him by two witnesses, namely, Thomas Pasmore and John Lampkin, was words importing matter of disobedience and opposition to the said Captain Argoll, not in his place of government, but in matter of private variance about the tennants and servants of the said Lord Lawarr, then deceased, which, being set on work by the said Captain Argoll, the said Captain Brewster (upon allegation that by order from the said Lord Lawarr they were to be set to work and governed by him) would have withdrawn from the work whereunto they were set by the said Captain Argoll,

and have placed elsewhere to get clothes for themselves, and so to follow their work for the behoof of the executors of the said Lord Lawarr and his fellow adventurers, with some cholerick and threatening speeches used against the said Thomas Parsmore for refusing to go with him, but not against the said Captain Argoll for ought that appeareth in said examination; and lastly it appeareth by the certificate of the said proceedings that some of said court, holding those martial laws to be very strict and severe, made a motion to sue and entreat the said Captain Argoll to save the said Captain Brewster's life, whereunto all were very willing, and the ministers then present joined with them therein, and that after much entreaty and many allegations by the said Argoll, in the end they prevailed with him so much that they procured his life upon some conditions, as appear in the said Captain Brewster's oath, written with his own hand and sent hither with the said certificate, in which oath, among many other things, expressly contained that the said Captain Brewster should not directly or indirectly, in England or elsewhere, utter any contemptuous words, or do anything that might turn to the dishonour or disparagement of the said Lord Lawarr or the plantation, or the present Governor, which was the said Captain Argoll; and that the said Captain Brewster should return no more to Virginia by any direct or indirect means. All which provisoes being duly weighed and considered, the said court in fine proceeded to deliver their resolution: that the said proceedings against the said Captain Brewster were unjust and unlawfull, and not warrantable in matter or form by the laws of this realm, or by any power or authority derived from his Majesty; and that it did not any way appear to the said court that the said Captain Brewster, either by the words or deeds wherewith he stood charged at the time of the said tryall by the said martial court, did any way deserve the severe penalty of death, and that the manner of said trial by martial law and in a martial court, being in a time of so general peace and no rebellion or mutiny of any kind, was to be held for unlawful and of no validity, and consequently the said Captain Brewster was a loyal man and not lawfully condemned, the sentence of the martial court (from which the said Captain Brewster hath appealed) notwithstanding; the substance of which opinion and resolution of the said court, being first severally delivered by the said lords, knights and others of the said Council

there present, was finally approved and ratified by the said general court by a general erection of hands, no one dissenting except Sir Thomas Wroth.

And at the humble request of the said Captain Brewster, it was ordered by the said court that this act of the said court should be exemplyfied under their legal seal.

And whereas also the said Captain Argoll, at such time as he was Governor of Virginia, writ a letter unto Sir George Yeardley here in England, and withal sent sundry copies, to his great infamy and disgrace, the said letter, by approbation of this court, was sent back to the Council of State resident in Virginia to examine the truth thereof, which Sir George Yeardley answering, the same being long since returned, was now read.

After which Sir Edwin Sandys appealed to the judgment of the court whether these charges had their original from him or from some others, who are now reputed to be Captain Argoll's best friends. True it was, that one thing fell out in his year, namely, the sending out of Captain Argoll's ship, both victualled and manned from the colony, a rowing to the West Indies; whereof complaint being made from the Governor and Council in Virginia, as of an act that might work their utter ruin and extirpation, he could do no less than give notice thereof according to his oath to the Lords of his Majesty's privy council, wherein he did nothing but by the direction of the Council and Company, and with as much moderation as the cause could possibly bear.

After which declaration made by Sir Edwin Sandys, it was generally pressed by the Company that whereas the last quarter-court appointed a Select Committee to call Captain Argoll to an account for the losses which the Company and colony have sustained by his misemploying and converting to his own use their tenants and servants, their cattle and corn, and other goods and yearly profits in the time of his government to his own excessive gain and lucre, and to the great detriment of the Company, and almost destruction of the plantation: that, forasmuch as the said Committee hath hitherto done nothing in this matter, they were earnestly entreated by this court to proceed therein with all expedition and diligence, and make report of their proceedings to the next court if it be possible, or else as soon after as they

can conveniently, that further order may be taken thereon at the quarter-court following.

May 31, 1620. The sentence of the last court being drawn up and engrossed, of disannulling of the condemnation of Captain Brewster by a martial court in Virginia, summoned by Captain Samuel Argoll at such time as he was Deputy Governor there, and being now read at the place to this effect, that the whole court agreed Captain Brewster to have been unjustly proceeded against, both in form, and consequently remains still a legall man, not one dissenting. Sir Thomas Wroth only took exception to these words (not one dissenting), insomuch as he now professed himself to be of a contrary opinion, and that at that time he held up his hand against it, and that the reason thereof was for that Captain Brewster, Argoll alledging that he had answered Captain Brewster in writing, that writing of Captain Argoll was not read at the hearing of the cause; against which allegation of Sir Thomas Wroth the whole court did generally oppose, averring that he did not hold up his hand against the sentence, seeing that if he had so done it must have been seen by some of the court, which it was not, no not of them which on purpose did observe him; and that when Mr. Treasurer did openly pronounce that the whole court was agreeing, no one dissenting, it had been then fit time for him to have declared his dissenting, which he did not.

And for his allegation touching Captain Argoll's writing, it was answered that the writings exhibited in this cause by Captain Brewster and Captain Argoll were not exhibited at all to the court but long since to the Council, and by order of the Council were sent to Virginia with a commission for returning of their proceedings in that case; by virtue whereof the whole process, with examination of witnesses, was returned, which examinations were all read openly at the hearing of the cause, and the former proceedings of the Marshal's court might have been read if it had been desired, but because the trial itself by a Martial's court was disapproved, their manner of proceeding was not disregarded, and, if the same had been read, it would have clearly appeared that they proceeded against Captain Brewster, not by virtue of the laws of England, but upon the 32d article of the Martial laws of the Low Countries, by which disobedience to any principal officer was made death, and the disobedience of Captain Brewster

was in commanding the Lord La Warr's men then under his charge from the works unto which they were set by Captain Argoll, for the works for the which they were sent by the said Lord La Warr and his partners; but that the hearing of this cause between Captain Brewster and Captain Argoll was only by word of mouth on both sides, and not by writing, and that both parties were heard at large and with all indifferencie. Notwithstanding, the court was content so much to satisfy Sir Thomas Wroth that an exception of him should be incerted at that clause; and further, upon the said Captain Brewster's request, have agreed that a duplicate of the said sentence shall be sent to Virginia to shew that he stands clear.

June 26, 1620. Whereas Captain Argoll complaineth that Mr. Treasurer, upon the hearing of the cause betwixt Captain Brewster and him, did suppress divers writings which might have stood him in great stead, the court perceiving no such thing, and being satisfied to the contrary, will upon all occasion justify that report to be false and malicious.

And for as much as the said Captain complaineth of hard measures, in regard his answer to the articles exhibited against him was not read in court, it was therefore agreed that both bill and answer should be brought to the court, and so the whole cause to be tried by them, by which means it will sooner be ended, which was done with the general consent of all the Council then present, who accordingly dismissing themselves of the whole cause had devoulved it to the court to be there heard and ended.

In a great and general quarter-court, June 28th, 1620. The Council, finding Captain Argoll's business intollerable troublesome, and understanding themselves to be unduly taxed, refused to proceed any further therein, but leave it to the deciding and judging of the court, which was by the generality accepted and ratified.

July 7th, 1620. A letter was presented to the court from the Lady La Warr, signifying that Captain Argoll had wrongfully taken away some of her goods from her late husband's servants in Virginia, for which he hath as yet given no account; whereupon the court thought fit to consider thereof, and to warn the said Captain Argoll to the court upon Wednesday next.

July 12th, 1620. After the acts of the former courts were

read, Captain Argoll took occasion to except against some certain words of an order touching him at the last quarter-court held in the afternoon, alledging that he did never unduly tax the Company as that order did declare; whereupon the court evidently made it appear unto him that he was in an error, and thereupon did justify the said orders to be truly set down.

Upon Captain Argoll's request, the court gave order unto the Secretary to deliver him copies of orders concerning himself and Captain Brewster.

October 31st, 1621. Elizabeth Smalley, widow, having petitioned to the King against Captain Argoll, pretending that he detained certain goods from her to the value of £500, and being referred by his Majesty to his Highness' Council of Virginia, did now petition to the Company to take hearing of the said cause according to his Majesty's reference; whereupon the Council agreed to meet upon Fryday following, in the afternoon, at Mr. Ferrar's house, about two of the clock, against which time order is now given for warning both the said widow Smalley and Captain Argoll to make their appearance, as also all such witnesses as could be produced on the behalf of the said complainant.

May 22d, 1622. For as much as Captain Argall hath heretofore given no satisfaction to the Company for the great losses they have sustained by his misemploying their tenants, corn, cattle, and other yearly profits in the time of his government to his own private ends and gains, to the great prejudice and almost overthrow of the public stock and state of the colony, for which being questioned heretofore, he hath as yet given no satisfactory answer, it is therefore now agreed and ordered that he shall be warned to exhibit his accounts, and required to make a real answer to what the Company can justly charge him, withal and to this end the court hath earnestly entreated

| | |
|---|---|
| Sir John Davers, | Mr. Jo. Smith, |
| Mr. Gibbs, | Mr. Tomlyns, |
| Mr. Bing, | Mr. Keightley, |
| Mr. Wrote, | Mr. Menerell, |
| Mr. Nicholas Ferrar, | Mr. Mellinge, |

Mr. Robert Smith,

or any three of them, to meet at Mr. Ferrar's house the Saturday morning following.

June 19th, 1622. There was presented the petition of the widow Smalley, concerning four oxen in the colony, whereunto she pretended right by grant from Captain Argoll, the same oxen having formerly been her husband's; upon occasion of which petition report was made to the Company of divers suspicious proceedings concerning the same; as, namely, that the said widdow Smalley had first exhibited a petition and divers grievous complaint unto the King against Captain Argall for having spoiled her of all her goods, which petition being referred by his Majesty to the Council for Virginia, there was after some time brought in a retraction of that petition and complaint against Captain Argall, under her hand and seal, wherein she also charged others (but without any name) to be inciters to her to make that complaint, which retraction herself first desired might be read in open court, and the same was afterwards much pressed by Captain Argall; but the Council denied it, unless she would first name those who had been her inciters, the rather for that Captain Argall, with some extraordinary vehemency, declared that he suspected some of the Company to have so set her on work, and being urged to declare whom he suspected, he, in fine, named that he had suspected Sir Edwin Sandys.

After which time widow Smalley, repairing to some number of the Council assembled together (of which number was the Lord Cavendish, Mr. Gibbs, Mr. Wrote, the two Deputies and others), she renewed her complaint against Captain Argall, for which being reproved (having before, under hand and seal, retracted the same), she said she was forced thereunto by Captain Argall, who had caused that writing to be made at Doctors Commons', and refused to set over unto her her husband's executorship unless she set her hand and seal unto that writing, the matter whereof she said she did not well understand, contrarywise she justifyed her former complaint made to the King against Captain Argall, protesting that she was by no other means moved thereunto but by the wrongs he had done her, and that the petition was drawn by a friend of her's dwelling in Tower street, at her request. Whereupon Sir Edwin Sandys (being then present in court) protested that he never in his life spake word to the said widdow Smalley otherwise than in passing by as she solicited about her petition, neither ever sent message to her either directly or indirectly; and he said that he had not deserved of Captain

Argall or any man else that he should entertain so unworthy a suspicion against him, haveing done nothing against Captain Argall otherwise than he was bound to do by virtue of his place at what time he was Treasurer, as also by his oath upon complaint made against him for so great a depredation in the colony when he was Deputy Governor, which complaint against Captain Argall neither moved from him neither yet in the year wherein he was Treasurer, but finding it afoot, it was his duty to bring it to tryal by lawfull means, wherein he always followed the Council's directions. And although Captain Argall, by means of his great friends, had not been proceeded with to a full and final tryal, yet the matters against him were still in force and validity, his answer hereunto having given little or no satisfaction unto them as he conceived.

Upon this occasion it was moved by divers of the court that the letters written by Sir Thomas Smith and Mr. Alderman Johnson, then Treasurer and Deputy, as well to the Lord De Lawarr as to Captain Argall himself, might be openly read in court, which was accordingly done.

There seems to have been a good deal of excitement at the court on the 4th of December, 1622, growing out of some remarks of Mr. Wrote. A week afterwards a meeting of the Council was called, at which the following proceedings took place:

"The Earl of Southampton signified that the occasion of called this Council together was to acquaint them with a late information he had received since his being in the country touching Mr. Wrote, who, as he had heard, had committed a great indiscretion at the last court held this day sennight, by speaking after violent and turbulent manner, as well against some points incident to the contract, as also against the proceedings of the Council and committee, together with the acts of the quarter-courts which had confirmed the same, bending his speech also to the wrong and disgrace of some principal members of the Company, who had been employed in that business, whereof he said the Lord Cavendish had in general advertized him by his letter without naming the man that had so done, as might appear by the letter itself, which his Lordship offered to shew him, which disorder his Lordship said was the occasion of his coming up to town, and of his being here at this present, and thereupon charged Mr. Wrote to declare whether this information were true or no; who thereupon

said that at his first setting down in this assembly he conceived himself to be free, but being now charged as a delinquent he was now to answer in his own defence. And thereupon touching the matters laid to his charge he freely protested against any power or jurisdiction the Council could have to question him for that he then spake, considering he had (as he said) appealed unto a quarter-court whereunto he would only submit himself. But he would confer with them if they would, and withal he accused Mr. Deputy of having falsely entered the court of the 7th of October last, either by his or the Secretary's fault, and contrary to the true meaning of the court then held, whereby he said the Company were brought into £3,000 debt, which speech being delivered by Mr. Wrote in a very contemptuous and violent manner, in which self-same manner Mr. Wrote had also carried himself towards the Earl of Southampton at his first coming into the room before the setting of the Council, his Lordship reporting the same briefly to the Council, proceeded to ask Mr. Wrote what he meant thereby, and whether he took himself to be so great a man that they were all as pigmies in his sight, and added that he did not know him to be any prince of the blood, and therefore if it pleased him he might carry himself with more calmness and respect.

Whereupon Mr. Deputy replied to the particular accusation made against himself that if it was of a very high nature and deeply concerned the Company, for the courts being the Company's records, the charging of them with falsehood was to call all the proceedings of the Company's into question; and that for himself, if it should be found that he had done any such thing, he deserved punishment, and thereupon briefly declared the manner of entering of courts, how the Secretary having drawn them up brought them to him and, according to the Company's order, he perused them, and so they were read in the next court; and accordingly he said was that court now spoken of by Mr. Wrote and no exceptions taken against it. In the end he humbly desired that this matter might be strictly examined.

But the Earl of Southampton said this was not the business they had now in hand nor pertinent thereunto, but should be taken into consideration in due time and place, and therefore requested Mr. Deputy to declare in brief the matters that Mr. Wrote did so much inveigh against at the last court; whereupon

Mr. Deputy said that Mr. Wrote did then insist upon these three points, vizt:

1. The lessening of the four shares.

2. The Companies bearing a 10th part in the joint stock for bringing home the Spanish tobacco.

3. The salaries.

But his Lordship said that not only the matter itself he spoke of, but his manner of speaking might much augment his offence, he therefore desired Mr. Deputy to declare what his words were concerning these particulars. Whereupon Mr. Deputy, being much pressed thereunto, said that Mr. Wrote declared himself herein with a great deal of passion, which he conceived did much mislead and distemper him.

But the Earl of Southampton said he had heard Mr. Wrote should say the business was not fairly carried, but matters were huddled up, and some things were foully and surreptitiously carried with much art and to private ends, and that the Companies durst not speak because they were overawed. Mr. Wrote protested he spoke not against the contract but against the proceedings of the Committee, and against Sir Edwin Sandys and the two deputies, acknowledging that he then said (and was of the same mind still) that they had used much art in the carrying of this business; whereupon Mr. Brooke, the lawyer, said that in all courts of justice it was a thing certain, that if a man speak to the disgrace of the Judge, or his judgment or the court, he was subject to fine and commitment at the pleasure of the Judge; and so in private corporations, where any shall speak to the disgrace of the person of the Governor, or the acts of the court, or Government thereof, he conceived the like censure and punishment might pass upon him.

But Mr. Wrote replied he was not now *coram judice*, and therefore they could not censure him, of which opinion Mr. Bing was also speaking (as he said) out of his experience and knowledge of the civil law.

Mr. Deputy being again much pressed by the Lords to deliver clearly and fully what Mr. Wrote had spoken in open court, as being bound so to do by the duty of his place, especially when he was thereunto desired by the Council, said that he well remembered Mr. Wrote said then the business was not carried fairly, and did also remember that himself did say the business

was not surreptitiously carried, but whether Mr. Wrote said it was surreptitiously carried or no he remembered not, but he conceived he spake not only of the proceedings of the Committees but of the whole business.

Mr. Deputy was generally blamed of the Council, as seeming out of his private respect to Mr. Wrote too remiss in his duty to the publick. The Earl of Southampton protested that if himself had been in court he would not have required another to declare Mr. Wrote's proceedings, and as his Lordship and the rest of the Council seeming to desire of some other the performance of that duty (wherein Mr. Deputy was so backward), the Lord Cavendish said that if Mr. Deputy would not perform his duty, being required by the Council, they must fall upon him, and Mr. Brooke was of the same opinion.

Whereupon Mr. Wrote signified to the Lord Cavendish then you had best be my accuser, which unreverend speech was much distasted by the Council, and the Earl of Southampton told him that although they were all Councilors, yet there was very great difference between the persons of divers of them, and particularly between Mr. Wrote's and the Lord Cavendish's, to whom he ought to use more respectful behaviour and language.

But Mr. John Farrar said that Mr. Wrote questioned the government, and the acts and power of the quarter-court in open terms, saying he would do it again and again, though he was told often that he ought to do it, and the court, by hands, had ordered accordingly as being contrary to all law and justice and to no purpose but to disturb the proceedings of the Company, yet could not persuade Mr. Wrote to be quiet.

Mr. Wrote replied that he said the quarter-court had no power, by the laws of the Company, to derive that authority they did to an inferior court, except in cases of inevitable necessity or evident utility, but in this case there was no such thing to enforce the same; whereunto Sir Edwin Sandys made answer that by his own words it was apparent he questioned the power of the quarter-court, and, therefore, his speech concerned the main body of the contract, but he said he would now go upon his own grant, and that forsomuch as the whole body of the contract was so solemnly ratifyed in a quarter-court and that there fell out some small difference between the Lord Treasurer and the Company, which could not be at that time accorded without further conference,

there was hereupon an inevitable necessity of transmitting the authority of the said quarter-court unto another course, to join with the said Somer Islands Company in their quarter-court, to debate further of the said differences and to join in a final conclusion of the said bargain and other things thereto incident.

He said further, touching his election to be the Director, that although he was most unwilling (as divers then present could witness) to take the place, which was earnestly pressed upon him by the court, yet being chosen thereunto, and the Lord Treasurer's eye being now fixed upon him, he could do no less than labour a final conclusion of all matters incident to the said contract, together with the contract itself.

But, touching Mr. Wrote's carriage of himself in this business, he said he had observed two main material exceptions which, in his opinion, were justly to be taken against him; first, for that he inveighed against that which, being ordered by the quarter-court, could not be reformed for the present. Secondly, in that he sought to maintain his opinion by misallegations, as well of the laws of the realm as also of the laws of this Company, by the one disheartening and deterring the Company from proceeding in the contract, as it was now concluded and ordered, by the other insinuating into the minds of his hearers a concert of ill-carreage of the Council and committees, contrary to the established laws and orders of the Company.

Touching the laws of the realm, he said that Mr. Wrote then delivered, that by drawing the general body of the Company into bearing a part of this contract, and by giving the seal for the performance thereof, they engaged the private estate of every particular member to be answerable to the king, whatsoever damage should befall; in which allegation, as he clearly failed in his judgment in point of law, so he used this ill means to a worse end and conclusion, namely, the disturbance of the contract so solemly concluded with the king and now not to be revoked.

And, touching the laws of the Company, he manifestly misalledged them to the great wrong as well of the Council as of the Committees, who, to his understanding, had punctually observed them in all things as, namely, in making shew that they were to lose their voices for a year who had moved to draw the Company into matter of charge without shewing means how to defray the same, and applying this law to the propositions for salaries,

whereas, first, it was no matter of charge to the Company, being not to be raised out of their stocks, but out of the tobacco to be brought in; and, secondly, it was not the motion of any particular person, which is only forbidden in that law, but proceeded from an act of the Council and Committees, where, by the way, he prayed Mr. Wrote not to be troubled with the office and salary granted unto him, for, as he accepted of both most unwillingly and in sole obedience to the court, so at the next quarter-court he would resign both the one and the other.

In reply hereunto, Mr. Wrote bid Sir Edwin Sandys put his speech into a sillogism and then he would answer it, for it was *argumentum a desperatis.*

Touching the matter of the law of the realm, Mr. Herbert, being now pressed, was desired to deliver his opinion, who said that without all question the private estates of men could not, by law, be made liable to pay that for which the whole Company stood engaged, unless there did appear a practice in some of the Company to declare the debts by indirect means; of which opinion Mr. Brooke was also, and cited a case long since tried in Westminster Hall, upon occasion of one that being a member of the Corporation of Norwich that stood engaged at that time for debt, was arrested in Westminster Hall for the debt of the said Corporation, which matter, being forthwith brought to tryal, he was acquitted by the judgment of the court, for that the law in that case looks not upon any particular man's person or estate, but upon the whole body of the Corporation as it is united and not in its parts.

As for the law which Mr. Wrote had cited with a kind of scorn and contempt, by terming it to be one of Sir Edwin Sandys' laws, which said that if any particular man proposed any matter of charge unto the Company and could not find means to defray the charge and uphold his project, he was to be excluded from coming to courts. It plainly appeared by the words of the law itself to have been both misalledged and misapplied. My Lord of Southampton demanded of Mr. Wrote why he did raise and maintain so strangely that dangerous proposition of the seal, it being a point of law and he no lawyer.

But Mr. Wrote said that since the last court he had taken the opinion of some learned lawyers, by whom he was informed that

men's private estates were also subject unto the Company's engagements by their seals.

The Earl of Southampton said that he now saw his indiscretion to be as great as he took it to be, that being of the Council he would not impart his mind concerning that point first unto them, but rather divulge his opinion in open court to the prejudice of so main a business as the contract was, and that before he was sufficiently grounded in that which he spake, as appeared by his own report in asking council after he had so confidently published his opinion.

With this Mr. Wrote departed, saying that he came not thither to hear ill words.

Whereupon, the Earl of Southampton appealed unto the judgment of the Council then present what just occasion of offence has been given Mr. Wrote, that he should go away in that unrespective manner. And, thereupon, his Lordship protested that, seeing he had so much wronged him and the rest of the Council and committee in their proceedings, and spoken also against the Company and courts, and most scornfully against the laws in terming them Sir Edwin Sandys' laws, and, in conclusion, went away in that ill and most uncivil fashion, he expected to be righted against him for so many wrongs and affronts.

Whereupon, Mr. Gibbs said that Mr. Wrote was one whose heart he knew as well as another, and he protested he had always heard him speak with as much love and respect to his honour as any man living, so as he was persuaded in his soul and conscience he had not so much as an ill thought against his Lordship in all that he had said, but regarded and honoured him as much as any man whatsoever.

Whereunto the Earl of Southampton replied that he should be sorry to have lived so that it should be in the power of Mr. Wrote to wrong him in his honour or reputation, but his Lordship said that Mr. Wrote having complained that the Council and committees carried this business foully and disorderly and against the laws of the Company, and to private ends, how that could be and himself clear he could not understand; for he said that, from the beginning to the end of this business, he had been not only privy and consenting to the proceedings, but the principal actor also in them all.

As for the word foully (said by some of the Council to have been used by Mr. Wrote), Mr. Withers, being called in by the Council, testified it likewise to have been so spoken by Mr. Wrote, and, thereupon, out of his love towards him, and to prevent his going forward in such ill terms, he replied again, saying that the business had been fairly carried, and wished that, if his committeeship did trouble him, it were the price of his reconciliation.

After this the Council, entering into consultation what was fit to be done herein for their reputation.

First, Mr. Brooke delivered his opinion that he conceived it fit that a collection be made of those matters that were to be objected against Mr. Wrote to be ripened against the next quarter-court, unto which he hath appealed for that (as he pretended and alledged) he was *coram non judice.*

It was also thought fit generally, by all the Council then present, in regard he had committed so great an contempt against the Council there, that he be suspended from coming any more to Council until he clear himself of those things objected against him, and thereupon caused the Secretary to set down his suspension in manner following:

"*At a meeting of his Majesty's Council for Virginia, December 11th, 1622.*

"The said Council have ordered that notice shall be given to Mr. Wrote by the officer that, in regard he hath carried himself this day before them with very unfit and unrespective behaviour, they think fit he forbear coming to Council until those things he stands charged with all be cleared."

At a preparative court, held on the 3d of February, 1622, Sir Henry Mildmay said he was sorry to see much dissention and variance still continued amongst the Company, but professed himself was neither of the faction nor factions, and said that his Majesty had lately taken notice of these differences, and is a hinderance to other main business of special consequence unto the plantation, and that his Majesty understands that divers adventurers have been discouraged from going on, and wonders that so many are willing to give over their shares.

He signified further that his Majesty did desire to preserve the liberty of the Company in every kind, and that no particular

man of the Company be abridged to speak his mind freely, so it be with fitting respect unto the government and plantation.

He said further that he came not to stir up a storm, but to allay it and make a calm, and said at the last meeting of the Council he moved that these verbal differences might be taken up, and that his Majesty did likewise desire an end of them, but saith that this he relates was accidentally and by way of discourse with his Majesty.

Mr. Deputy made answer that the Company did much joy to understand that his Majesty pleased to take their affairs so much into his royal consideration, and desired Sir Henry Mildmay, to the intent the Company might fully perform what his Majesty required (because the court was now but small), he would please to leave his message in writing, or stay till my Lord of Southampton and the Lord Cavendish comes to report the same again unto them.

Sir Henry Mildmay being desired to satisfy the court whether he delivered this as a message from his Majesty or from himself, made answer that he delivered it by way of advice and from himself, upon a late discourse he had with the king, but no way as a message from his Majesty. Mr. Deputy, excusing the weakness of his memory that he doubted not to be able perfectly to set down Sir Henry Mildmay's speech, besought him that he would be pleased again to deliver it to the Secretary; but he answered that he would be here on Wednesday next to observe whether the same hath been rightly taken by the Secretary. Sir John Davers, he held it most necessary that before they proceeded any further to state Sir Henry Mildmay's speech, which he wished might be put to the question, whereat some were opposed, and Mr. Deputy, being about to put it to the question, Sir Henry Mildmay desired it might be spared till Wednesday next, when he would again be present; whereupon the Secretary was required to read those heads he had taken of Sir Henry Mildmay's speech, which he did and was approved.

In a subsequent part of the day Sir Henry Mildmay said his opinion was that these great salaries were directly the way to overthrow all, and said true it was they passed the last court with his vote, but he was now of a contrary opinion, saying *secundae cogitationes sint longae meliores*, and further added that he conceived his Majesty would rather that the contract

should not go forward at all than to the ruin of the planters, and said he was of opinion the business might have been better husbanded.

It was moved that such as have accused Mr. Deputy of false entering of a court will prepare and produce their proofs against to-morrow, that they may be heard. Whereunto Mr. Wrote said he would forbear to do it for the present and prosecute it in his due time and place, having appealed unto his Majesty.

At a court held on Wednesday, the 29th day of January, 1622, it was ordered that, for examining the court of the 4th of December, 1622, those only who were then present (as the most competent witnesses in the case) should be warned to meet on Friday following to examine the particular passages of the said court, and see whether they were rightly set down by the Secretary or no, and make report to the next court of their proceedings. The request of Mr. Wrote, that he might have a copy of the proceedings on the 4th of December, 1622, as entered, or be permitted to take notes from them, was not granted, but it was ordered that he might peruse the proceedings as long as he pleased.

Accordingly, on the following Friday, the record of the proceedings on the 4th of December was examined, and, with some alterations and additions that were now passed, those proceedings were confirmed as rightly set down, only one dissenting.

On the 3d of February following, there was a meeting to examine whether those alterations and additions were rightly made, and it was recorded that they were.

At an extraordinary court held on the 4th of February, 1622, my Lord of Southampton signified with the Company that he had staid above an hour expecting a fuller court, and said that the occasion of this meeting was, that whereas the quarter-court had formerly set down a course for the well-managing of the tobacco business, the said course being thought by some too burdensome, they had propounded another way which they were now to consider of, desiring every man to speak freely and to each particular as it should be proposed without disorder and passion, and said he held it fit that the project be read first all over and after examined by parts.

*A Declaration Plainly Shewing how the Contract may be Managed with less Charge than now it is Ordered.*

First, the place of Director and Deputy shall absolutely be

laid down, and the salaries given to them shall be wholly saved; the two Companies may supply the place of Director in their extraordinary courts called for that purpose. There shall be one sufficient merchant chosen Treasurer, to whom the Company may be pleased to give £100 salary.

Under him there may be placed a sufficient accountant, that may be his cashier, to whom may be allotted £50 or £40 salary.

There may be two Committees, whereof four to be chosen by the Somer Islands Company of the number of their assistants, and six by the Virginia Company; to each Committee £20 salary.

There may six gentlemen be chosen indifferently out of both Companys, which may be in quality of assistants to the Treasurer, to whom no salary shall be allotted; but in case the business proves by their industry and good carriage profitable, the Company may, with some small gratuity, testify their good acceptance of their endeavours, and also concerned them further to the Lord Treasurer, of whom it may be hoped that he will be pleased to consent to such a moderate gift.

To the book-keeper there may be allotted £60 ℔ annum.

To the beadle £15 ℔ ann.

To the husband £15 ℔ ann.

To a clark for to wait wholly upon that business, £30.

For a house wherein no man that hath a family shall dwell but the housekeeper, £60 per ann., or at most £80; sufficient warehouse room comprised therein.

To the solicitor according to the discretion of the assistants and Committees; the whole charge of officers, house and committees will not amount to above £600 at the uttermost for salary and house rent, so in this alone there is saved above £1,200 ℔ ann.

If the Company will be pleased to allot other £600 to be raised for payment of public charges, in case so much shall need, there will be saved to his most excellent Majesty and the two Companies £1,300 yearly, and of that £600 the officers shall give a just account, and make restitution of the remainder, if any be.

And it is not to be doubted but there will be found so many worthy members of both Companies as will, for one year or more, upon these terms, rather than the business shall fall to the ground, to begin this Hilary Term to undertake this business, for considering that divers for divers years past, even for conscience sake, have with great alacrity given their assiduous attendance

for the dispatch of the most weighty business of the plantations, when it was only the work of societies, now that thereunto there is adjoined the service of his most excellent Majesty, who never leaves unrewarded those that labour for him, there will be, I dare affirm, a vertuous strife and emulation amongst us who shall be honored with this employment. These officers should meet two days in the week at least, and oftener if need be.

To all those officers I would have an oath given, for that the importation of Spanish tobacco is a main branch of the contract, the preamble may be altered so in favour of the adventurer, that many men may be encouraged to subscribe who now forbear by reason of the hard conditions proposed therein.

To these may be added some Committees at large, and those of eminent quality and great adventurers in one or both the plantations to whom equal power and vote may be given with the others.

And in case that part of the contract be punctually observed, that all the tobacco to be sold in bank, it will be necessary to draw a preamble to a second roll, whereby the brothers of the Company may be admitted to subscribe what sums they shall thereby be limitted for buying of the tobacco which poor planters shall bring into this kingdom, that they may not suffer by expecting the sale of their goods and attendance for money.

In this proposition of a certain salary I rather give way to other men's opinions than follow my o'n judgment, for I determine not that this is the best course, but propose it as a better than that that is already established, for if it is possible to manage the business so, I could wish these pensions were changed into gratuities according to the merit of every man's endeavours at the end of the year when the business is done, and it plainly appears that the project answers expectation in point of profit. These two courses thus offered to the judgment of the court I humbly submit to the censure of this honorable Company, and if they will be pleased to embrace either of them my desire is they will commend that course they best like to the Virginia Company to be also approved by them.

Mr. Bing presented a paper to his Lordship as from Mr. Wrote, saying it was the same as the other, onely it had some additions, which Mr. Wrote thought upon the last night, which he prayed might be read.

But the title of it being objections against the salaries, it was resolved to go on with the propositions delivered to the Somer Islands Company and desired to be recommended to the Virginia Company, and by the preparative court wherein it was read and ordered to be considered of at this day, which was read all over together, and afterward his Lordship read the first article which was this following (vizt:) first, the places of Director and Deputy shall absolutely be laid down, and the salary given to them shall be wholly saved; the two Companies may supply the place of Director in their extraordinary courts called for that purpose.

Touching which it was first thought fit to consider whether this new way was a good way or no, and whether it be better than the other way.

Sir Robert Killegrew demanded first, how it was in other Companies, it was generally acknowledged that all joint stocks whatsoever are managed by one chief man, and under him some other in the nature of a Deputy, as the Company had already ordered, and that the course propounded in the article read was without all president [*sic*]; and it was declared how the Company joining in a magazine together, which did not exceed £7,000 in the underwriting, it was yet thought necessary to choose a Director for the managing of it, and the like course was held in all manner of joint stocks, whether for trade or plantation, being all committed to some one man as Director or Governor, and therefore it was dangerous to follow a new way never before trodden.

Secondly, it was objected that the two Companies have more business already than they can well perform, and, therefore, they would never be drawn together upon such occasions so frequently as were necessary.

Sir Edward Sackvill said that it was a very great indignity to impose it upon the Lords that were the Governors, to attend continually such businesses as the Director and Deputy were to perform.

As for Mr. Deputy, he protested that, though he spent his whole time in the Company's business, yet he was not able to overcome half that was to be done for want of help, and declared how that men were not able to be gotten together for the auditing of the Company's accounts, and that with them many other of the most weighty businesses of the Company lay neglected,

wherefore it were to overthrow all to put more upon the officers and Company.

Sir Edwin Sandys said that in a body consisting of many members, which must all concur in one action, there must be by necessity of nature and reason one head to contain and direct them unto unity, that to make this one head two courts, to be assembled upon every needful occasion, was a thing not only repugnant to the celerity of despatch, which this business would require, but also of insupportable toil both to the Governor, Council and Company.

It was also declared how impossible it would be to make any progress in businesses in such a kind of government, where any one might, upon pretence of requiring his understanding satisfied in any point, call back things concluded, as was instanced to be done in the Somer Islands Company, where there having passed a matter in two ordinary courts, and afterwards much disputed in a preparative court, and lastly concluded in the quarter-court, yet in an ordinary court afterward one man, because he was not present at the passages thereof, he required to have it all again read and argued ; and because the court might be better informed concerning this point, the Lord Cavendish propounded that a writing presented to the Council and Committees before they resolved this course might be read concerning the office of Director specified in that writing, all which good parts and sufficiencies although very great, the court adjudged requisite in him that should have the chief part in the managing of this business; and Mr. Woodall said that except him, whom they had already chosen, they would not find a man that would be able to perform it, but he hoped he would.

In the end, after a long disputation of this point, his Lordship put this article to the Question in this manner, whether it were not impossible that the courts should perform the business according as was propounded in that first article. The whole court, by a general erection of hands, not one dissenting, confirmed it to be impossible.

Concerning the second article, which was as followeth, viz: There shall be one sufficient merchant chosen Treasurer, to whom the Company may be pleased to give £100 salary. First, it was objected that the salary of £100 was so small, as there might be

almost as much lost in telling of so much money, which in receiving and paying cou'd not be less than £100,000, and that to give £100 to a man of such sufficiency as that place required, and that must undergo so great a charge as that was, and that must give continual attendance thereon, was an unreasonable thing, nor would any man undertake it except some that meant by the employment of the money or otherwise to make some extraordinary benefit.

It was also alledged that the East India Company, when their stock was but £100,000 ℔ ann., had given £300, and sometimes 4 or £500 to their Treasurer.

It was also declared that of necessity the Treasurer must engage himself for taking up of moneys for the business, especially for the payment of customs.

In the end, after much debate and dispute of the matter, the court generally agreed that the reward of £100 was nothing proportionable, and seemed so sensible of the smallness of the salary and the greatness of the charge and pains as they generally declared themselves unwilling to accept of the service of any such as would for such a matter undertake it; whereupon his Lordship, upon that proposition, made these two questions (vizt.):

Whether the Company do think £100 ℔ annum as sufficient reward for a Treasurer that must undertake this business. It was, by a general erection of hands (save 4), thought insufficient.

Secondly, it was put to the question whether the Company would willingly commit their stock to one that would accept of the office for £100. It was thereupon, by a general erection of hands, denied.

In the afternoon Mr. Bing moved to know why, in setting down the proceedings of the morning's court, the reasons only of one part, vizt: that which the court afterwards concluded, was set down and the allegations on the contrary part omitted. Whereunto answer was made that it was needless to express those reasons and exceptions which were disallowed; and it was by divers worthy persons approved to be the custom of the House of Parliament only to record those main reasons that induced the conclusion, and omit the rest as needless and fruitless.

The Earl of Southampton said he would now proceed to the

work of this day, namely, to examine the rest of the articles of Mr. Wrote's project; whereupon the third article was read, which was this that follows, vizt:

Under him there may be placed a sufficient accountant that may be his cashier, to whom may be allowed £50 or £40 salary.

My Lord of Southampton willed Mr. Deputy to declare what the Company had concluded on this point, who answered that they had thought fit there should be two cashiers, one continually to remain in the treasury for the receipt and payment of moneys, and the other continually to go about to call and receive such moneys as dayly grow due.

Sir Edwin Sandys said he considered in this business a two-fold action, the one of receiving the other of paying, and was of opinion that these two would not coincidere; in regard that it would many times happen that at the same instant there must be moneys received and paid to divers persons.

Mr. Withers said that he was of opinion that there must be added a third cashier in regard there would be an infinity of bills and specialties, receipts and acquittances to be made, which would almost take up one man's whole time.

And whereas it was alledged that the Treasurer might employ his own servants, that was not adjudged reasonable to require it; and whereas it was said that this matter and other offices would be performed in great part for love (and for the public benefit), Sir Edward Sackvill reported that he had heard great and worthy merchants ingenuously confess that their end was their own private profit and not the publick good, which did belong to public persons and not to private men.

Mr. John Smith said that, having spent upon Virginia a very great matter, he did, by God's blessing, hope to receive this year a good quantity of tobacco, which he would not willingly have come under the hands of those that would perform the business for love and not upon a good and competent salary, and his opinion was that the employment of these cashiers would be so great as they should be enforced to keep servants under them, for from them must come the instructions to sue out process, bills, informations, declarations, etc.

Whereupon, it being put to the question whether they thought it possible that one cashier can perform the business of this charge, it was, by a general erection of hands, passed (save onely

one) that it was not possible, and being put to the question whether they held it necessary to have two cashiers, it was generally agreed unto.

After this was read the 4th proposition, which was as followeth (viz.): There may be ten Committees, whereof four to be chosen by the Somer Islands Company out of the number of their adventurers and six by the Virginia Company, to each Committee £20 salary may be allotted.

The addition to the number of Committees was not disliked, but for the salary of £20 to each it was adjudged much too little, for whereas by the project they were to meet at least two days in the week, Sir Edward Sackvill said that that was but 11 groats a day, but he was of opinion that they should be enforced to meet so often as perhaps it would not come to 12d. a day.

It was also said that men being in trade, whether merchants or shop-keepers, could not spend so much time for so little, but very much to the prejudice and neglect of their estates, which when they should perceive, although they might begin at first out of the abundance of conscience, yet that would quickly fail, and thinking themselves bound by a great bond of conscience to provide for their own charge, will either negligently follow the business, or else perhaps seek some indirect courses to satisfy themselves to the full of their pains and labours, which reasons, and divers others being well considered of, his Lordship at length put it to the question whether the Company did think ten Committees so salariated as in the article set down would suffice to do the business to the content of the Company, it was by a general erection of hands (only two dissenting) denied and disliked.

It was also put to the question whether they had rather have eight Committees with £50 apiece, as was formerly ordered, it was generally agreed.

After this was read the fifth article, which is as followeth, viz: There may six gentlemen be chosen indifferently out of both Companies, which may be in quality of assistants to the Treasurer, to whom no salary shall be allowed, but in case the business proves by their industry and good carriage profitable, the Company may, with some small gratuity, testify their good acceptance of their endeavours, and also commend them further to the Lord Treasurer, of whom it may be hoped that he will be pleased to consent to give such a moderate gift.

Against this proposition was objected, that instead of one Director there were six set up, which kind of form would breed both infinite confusion in Councils, and determinations and delays in execution of matters.

It was also said that the main part and substance of the business consisted in matter of profit and trading, in which things gentlemen being not expert, it was not conceived how they, by their industry and good carriage, should so much advance the business.

It was also conceived that the gentlemen being of worth, and giving continual attendance, the gratuity mentioned could not be less than £100 a man, whereby the charge would be much increased.

In the end his Lordship put the article to the question, and by a general erection of hands it was disliked. After this was read the sixth article, which was as followeth (viz): To the book-keeper there may be allowed £60 ℔ annum; to the beadle £15 ℔ ann; to the husband £15 ℔ ann.

The abatement of allowances for the book-keeper and beadle were disliked, and for the matter of the husband, who must be a man of credit and worth, being to have under his hand the whole stock and to give continual attendance, the allowance of £15 was adjudged that he must give a servant under him more; whereupon the article being put to the question, it was by a general erection of hands disliked, and on the contrary the salary proportioned by the Companies well liked and approved.

After this was read the seventh article, vizt: To a clarke for to wait wholly upon that business £30, and it was generally adjudged that it was impossible that one clark should suffice, and Mr. Deputy said that although Mr. Secretary kept two men under him, yet he was not able to overcome so the business of the Company as that he might have his attendance for the dispatch of business; wherefore Mr. Deputy said he was forced, as most of the Company knew, to keep a clerk at his own charge, and for this business he said, according to his understanding, there would arise an infinite deal of writing to him that had the Deputy's place.

In the end, the article being put to the question to have one clark, was by a general erection of hands disliked. After this was read the eighth article, which followeth, vizt: For a house

wherein no man that hath a family should dwell but the housekeeper, £60 ℔ annum, or at the most £80, sufficient warehouse comprized therein, which being put to the question, it was by a general erection of hands thought impossible that £80 a year should procure a fit house and sufficient warehouse room, instance being made in the house wherein the courts at present are kept, for which hath been offered £100 per ann., and yet it is not capable enough for the Companies' use for courts, and as for warehouse room it was by divers affirmed that £60 ℔ ann. more than belongs to the said house would not suffice; whereupon the article being put to the question, was by a general erection of hands disliked.

After this was read the 9th article, viz: To the solicitor, according to the discretion of the assistants and committees; which being put to the question, was by a general erection of hands disliked.

After this was read these words following: The whole charge of officers, house and committees will not amount to £600 at the uttermost for salary and house rent, so in this alone there is saved above £1,200 ℔ ann., touching which the court declared their mind that they made no question of his Majesty's royal disposition in rewarding of all that did him service, but since, by his Majesty's royal grace and the Lord Treasurer's noble favour, the appointing of salaries and recompenses of officers that should take pains was left to the Companies' own judgments, they were desrious to make use of it without touching his Majesty and the Lord Treasurer, and so this article being put to the question, it was by erection of hands disliked.

After this was read these words: To all these officers I would have an oath given to which answer was made, that was ordered by the Company in the quarter-court, and the extraordinary committee, being the

| | |
|---|---|
| Lord Padgett, | Sir Henry Mildmay, |
| Lord Maynard, | Mr. Gibbs, |
| Sir Edward Sackvill, | Mr. Wrote, |
| Sir John Brooke, | Mr. John Smith, |
| Sir John Davers, | Mr. Rob. Smith, |

desired to take it into their consideration, together with Mr. Deputy.

After this was read these words, vizt: And for that the importation of the Spanish tobacco is a main branch of the contract, the preamble may be altered so in the favour of the adventurers that many men may be encouraged to subscribe who now forbear by reason of the hard conditions proposed therein; whereupon Mr. Wilmott declared three exceptions that hindered him from writing to the roll, first, in that he did not conceave that the bringing in of the whole quantity was certainly assured to the adventurers, but only the 40,000 weight.

And further, that the bringing in of the 40,000 weight was strictly tied to one year's term, and so the adventurers had not the same liberty as was by the contract granted to the Company.

Thirdly, he desired that if the Company would bear a part, they would give better security than their seal. Mr. Mole also said that he conceived the matter of four shares and the lending of the Company a tenth part hindered many adventurers. Hereupon the roll was read, and for Mr. Willmott's doubts it appeared plainly that the undertakers of the first 40,000 weight, if they would, they might bring in the rest, excluding all others, and if not, they might leave it, which was conceived a very advantageable point unto them.

For the second, it was declared that the Company's intent was to grant these undertakers as much liberty as they themselves had, and so it was in the beginning plainly expressed, where it is said that they shall bring in this year 40,000 weight, if conveniently they may, and if they cannot bring in the whole conveniently, then as much thereof as they can conveniently.

For Mr. Mole's objection, it was answered that if he could certainly say that any considerable sum would be brought in, if that clause of buying four shares were remitted, the Company would consider of it, but othewise, without advantage, to alter it were but to shew inconstancy, and as for landing the Companies a tenth part of the stock brought in since by other means, the Company could not bear a part, the adventurers that had already underwritten had desired that clause, and without the Companies bear a part with them they would withdraw the sums they had underwritten, which, divers of them being present, confirmed.

After this the article of the roll was put to the question, that excepted that was before. It was by erection of hands generally disliked.

After this the next article that followeth (vizt.), To these may be added some committees at large and those of eminent quality and great adventurers, in one or both of the plantations, to whom equal power and vote may be given with the others; which being read, it was put to the question whether the Company did like of that article that supreinduced the third order of the committee. The affirmative had no hands; the negative all.

The court ordered to continue during pleasure.

After this the Lord Cavendish, taking the chair and beginning a Somer Islands court, proposed unto the court all those several articles which had been particularly examined and passed in the Virginia court, and, at the desire of the court, put them all to the question, the said Company ratifying and confirming whatsoever the Virginia Company had done. The Somer Islands court is likewise ordered to continue during pleasure.

After this the Earl of Southampton, taking again the chair, read the next article, which is as followeth: And in case that part of the contract be punctually observed, that all the tobacco be sold in bank, it will be necessary to draw a preamble to a second roll, whereby the brothers of the Company may be admitted to subscribe what sums shall be thereby limitted for the buying of tobacco which poor planters shall bring into this kingdom, that they may not suffer by expecting the sale of their goods and attendance for money; which Sir Edwin Sandys said the Council and committees had taken that point often into their considerations, and they conceived it would not be done but by roll, but they had determined nothing therein, but would, with all seriousness and care, consider what course was to be held for the best advantage and content of the planter.

After this, was read the last part of Mr. Wrote's project, which followeth: I could wish these pensions were changed into gratuities, according to the merit of every man's endeavours, at the end of the year when the business is done, and it plainly appears that the project answers expectations in point of profit.

The course therein propounded for gratuities was utterly disliked, it being contrary to the contract with his Majesty, wherein it was agreed that the officers should be rewarded by salaries.

And hereupon Sir Edwin Sandys took occasion to acquaint the court how, by the contract, his Majesty is to receive his part

at our Lady day and Michaelmas, according to the proportions of as shall be then received.

Whereupon, there was a necessity of setting down the salaries at the beginning, for if they should be deferred till the latter end all the charges would lie upon the tobacco that comes home last, and the Somer Islands', which comes home at the beginning of the year, would pass free.

Sir Edward Sackvill said that, seeing salaries that have been so much talked of continue but for one year, and then both salaries and officers are new to be chosen, he could not see what great inconveniences could follow the grant if the worst should fall out.

But Mr. Moorer said the salaries were disorderly carried, because the salaries were first proposed and passed and afterward the men chosen unto them; but to this Sir Edward Sackvill replied that this shewed the contrary, that they were fairly carried, for had the men been first chosen it might have been objected the salaries were made larger in favour of the persons, but, it being first passed before the persons were known, it was merely in contemplation of the pains and charge of the office, which opinion the court generally assented unto.

My Lord of Southampton put it to the question whether they did concurr with Mr. Wrote's wish in the last part of this project; the affirmative had no hands, the negative had all.

Mr. Rider moved that some speedy order might be taken for ready sale of the poor planters' tobacco. But he was answered that no certain order could as yet be made therein, but the Council and committees would take it into their care, and himself and all others were desired to consider what course they could find.

The Earl of Southampton said that, whereas Mr. Wrote brought a project unto the court with an opinion of proposing a better and thriftier way for managing the tobacco, the court having this day examined by parts in every particular, have, with a general consent, disallowed of them, save only in that clause that agrees with the former order.

After this the paper presented by Mr. Bing, in morning on Mr. Wrote's behalf, titled objections against the salaries, were read, which being put to the question by the Earl of Southampton whether the Company did think them worthy of further consideration, the affirmative had no hands, the negative all; the copy of which writing doth here ensue:

*Objections against the salaries.*

1. It is against the honour and faith of the Company to lay an imposition upon the goods of the planters, without their consent first had, and yet upon intents of the adventurers, they both having the seal of the Company to assure them, they would lay no other charge than the statutes lays upon them; and the Company breaks their contract solemnly made, no man will deal with them hereafter.

2. It is dangerous, also, in example for the Company that this year lays thus much, may the next year lay four times as much; for a breach being made by the Company in the priviledges granted by itself, they may after raise the charge to what proportion they please, and there is reason so to conceive, for their is a book commended by the Company to the plantation, which constitutes seven corresponding committees, vizt.: of censure, defence, health, sustenance, trade, etc., which are to be brought into use between the Company and colony, and if every of these committees should have in general £25,000 pension, the charge would amount to near £18,000 yearly, and if this proves a president [*sic*] that a branch one of the heads, as this of trade for a commodity that is esteemed a vanity, shall have such a salary for the managing of it, if we go on proportionably for every branch of trade, only it will eat out the stock of the adventurer, and if according to this head we proportion the rest, the Indies or the revenues of the great Turk or Emperor of China will not suffice to manage the business of the plantation.

3. It is not reasonable to equity, that, seeing we have made a law that the Company here shall not be charged with the maintenance of officers in Virginia, we should lay a charge upon the goods of the planters to maintain our officers here.

4. This exorbitancy of salary shuts the gate to all benevolences of the city, or other charity of private persons, which have heretofore much advanced the plantation, and was like dayly to increase, for who will give to us that are thus profuse to others, and this hath already changed the pious intentions of some good men.

5. Seeing these officers and committees neither take care for bringing home goods from Virginia nor the Somer Islands, nor

for sending goods thither by any joint stock, all which is done by the labour of the planter and care of the adventurer, for which he is to pay factorage, it is not agreeable to reason that, only for ceasing and selling of a man's goods (perhaps against his will), he should pay such a salary before he know whether he shall gain or lose by their sale of his goods.

6. It will ruin the contract itself, for this increase of charge will make it altogether insupportable, so that the merchant will have no medium whereby to be invited to send goods thither to buy the tobacco of the planter, and the planter will seek foreign markets for his commodity, which in time will produce an independency upon this kingdom, mutual commerce being the strongest bond that will unite Virginia to this state.

7. It is not usual to give gratuities before the work be done, so that this hasty conclusion of the salaries seems to be suddenly done because that it might be delivered up with the contract, that the one might pass the other and, therefore, this in substance hath been alledged for a main reason.

8. It was concluded, in a court that had no power to give the same, as by the 99 law, if any man referred to a select committee, and if the charge fall out to be under £30, it may be ordered by the next court; if above, it shall be referred till the next quarter-court, and, this being no quarter-court for Virginia but a derivative court, the gift is void in itself, for the quarter-court cannot derive its power to another court save in case of invincible necessity or evident utility, so this act binds not the Company, for neither of both these appear in the exorbitant salary, but all the contrary, so that, the law standing in force the last quarter-court, no act done in a derivative court can dispense therewith.

9. The greatness of the salary will make men desirous of the employment, and so great discontent will arise in the Company, while those now employed will endeavour to retain their places, and others will practise to supplant them that they may succeed them; envy and covetousness herein concurring, will raise factions amongst us, and those, if they be not timely and in their infancy appeased, will distract us all.

10. Seeing this contract was proposed first by some of those that have the greatest salary, it will be in reason expected that they give life and being to their infant, and foster it for one year for charity, or at least change their salary in certainty to a gra-

tuity in expectancy, in case the business prove profitable and the project answer the expectation of his most excellent Majesty and the hopes conceived and by them distilled into the Company's breasts, by which noble course they shall stop the mouths of clamorous people who mutter between their teeth that the salary was first in their intention though last in proposition; and the business will no doubt be undertaken and performed for one year or more, rather than the contract should fall, by some gentlemen and citizens well affected to the plantation, if the now undertakers relinquish the work because their salary is moderated or revoked; yet it is hoped they will not fall from their ancient and accustomed goodness by refusing to do this work of charity for conscience sake; in either case, in the ordinary esteem of men, some blemish will light upon them for their refusal.

It is desired that this business of the salary pass its trial by the balloting-box, and that no salariated man, tho' he hath given up his pensions, be permitted to have vote therein.

The errors of my project I confess are many. I am not so in love with my brain, but am contented it should be vilified and made an exposition. I made no reply, therefore, yesterday to avoid contestation. This is all I now say, the errors of too small exhibitions in one or two officers may be amended, and needs no exact research in the whole. If £20 ℔ annum be too little for a Committee, it may be increased to £30, and only eight Committees may manage the business. If a greater salary would bend the conscience I would yield to it, but if conscience and honesty bind not, neither will salary. The same men that without salary are said to have undone the plantation, would scarcely have been honester for a pension. I intended it a burthen to every officer save such as be servants, because the employment should not be desired but imposed. In fine, if we hope his Majesty should for his interest protect us, we must make as few defalcations as may be, and in my judgment in a doubtful business, whether it will be profit or loss, we should be moderate in laying burdens upon that is already fully laden, for if the project prove of itself insupportable, with what arguments should we be able to move his most excellent Majesty to relieve us; and if by this increase of charge it prove insupportable, the blame will be imputed to ourselves, that by adding weight to weight crush the contract.

For answer to one objection, that where none is supreme the

UNIVERSITY OF CALIFORNIA



parity will produce confusion, I say the Treasurer shall, in quality of President, moderate the business and assemble the Committee.

The Virginia court being ended and the Lord Cavendish taking again the chair, proposed unto the Somer Islands Company whether they did concur in opinion with the Company of Virginia touching Mr. Wrote's objections against the salaries; it was thereupon generally acknowledged by the whole court that they did utterly dislike it.

And it being also moved that Mr. John Ferrar stands accused by Mr. Wrote of several pretended matters touching orders of courts, Mr. Deputy might likewise come to his hearing and tryall the next quarter-court for the Somer Islands. The motion was held so just and reasonable as the court would not deny it him.

At a great and general quarter-court held on the 5th of February, 1622, the court of the 4th of December being read, the Earl of Southampton said that the report of these great distempers and indiscretions of Mr. Wrote related in that court caused him immediately after to come up out of the country to provide timely a remedy against the inconveniencies that would follow upon this distemper, and to that purpose assembled the Council, whither Mr. Wrote himself was warned, with whom he intended to proceed in all gentle and fair means, such as might best bring him to the acknowledgment of his error and to the reducing of him again into the right way, what the effects thereof were, and how Mr. Wrote behaved himself to the doubling of his offence, his Lordship said the act of Council would declare, which he willed to be read, which was accordingly done. And after some pause, his Lordship demanded whether Mr. Wrote was in the court, saying he did expect him there to avouch and approve the things that he had spoken and done, or else to retract them, but Mr. Wrote appeared not.

And Sir Samuel Sandys said that a little before, as he was coming to the court, he met Mr. Wrote coming from the court, and asking him whither he went, Mr. Wrote said he was very ill at ease and could not stay.

The Lord Cavendish said that he remembered that Mr. Wrote had on the Monday appealed unto the King and to such delegates as his Majesty should appoint, and supposed that he did persist in that resolution, and therefore seemed to require the judgment of those learned gentlemen that professed the study of

the law what in his case was to be done. Whereunto Mr. Brooke made answer that Mr. Wrote having appealed, if either by sufficient testimony of any present, or by other good evidence, it could be made appear unto the court that his Majesty hath accepted of this appeal, then the court was bound, without any further meddling in the business, to refer the matter entire to his Majesty's pleasure, from whom they derived all the power and authority they have, but seeing neither Mr. Wrote appeared himself nor any other signified any such thing, he did not conceive that the Company was anyway debarred by his pretended appeal, which being not accepted was as nothing, from proceeding in a due and legal manner according to the power granted unto them by his Majesty's letters-patents, which opinion was generally confirmed, and thereupon the court desired Mr. Wrote's business might be handled.

Sir Edwin Sandys took occasion to declare that as in many things he did differ much in opinion from Mr. Wrote, so in nothing more than in the state of this business, for he was far from conceiving that Mr. Wrote was accused and prosecuted, but contrariwise thought it very apparent that he was the prosecutor and accuser. He had accused the principal managers of this contract with his Majesty, of art and private ends; the committees he had blamed for disorder and negligence; the Council he had traduced for improvidence and indiscretion; the courts for usurping an unlawful power; our noble Governor for overaweing the courts, in some the whole proceedings of in this business he had condemned for foul, disorderly and surreptitious; where, by the way, to clear the question whether the quarter-court could transmit a derivative power to another court, he said, that true it is, that there are some things by the letters-patents absolutely limitted to a quarter-court which cannot be transferred to any other, as the disposing of lands, the making of laws, the choice of principal officers with some other matters of like important qualities, wherein the power of a quarter-court cannot be derived to any other courts; but for the settling of those small differences then depending between the Lord Treasurer and the Company, the quarter-court might transmit the power thereof to another court, which in fine wrought no other effect than this, than that the acts of that court should be of the same * * as not to be reversed by any other than a quarter-court.

The proceedings and resolutions of which court Mr. Wrote having questioned with so much acerbity of speech, as also the acts of the Council and committees, together with the demeanour of his Lordship and other persons of quality, it could not be otherwise conceived than to be a direct accusation, and consequently, that Mr. Wrote bear the part of the accuser. And therefore for him to appeal from his own accusation was somewhat a strange course and before not heard of, seeing no appeal could be but a gravamine for; as for his suspension he said it was only for his contempt towards the Council and no other misdemeanors, so that he hath not been prosecuted thereby (as he complains), but has bitterly and unjustly prosecuted others, for if his accusation has been just and well grounded why doth he forsake it now the day of tryal is come, the day of that court to which himself appealed; the persons by him accused stand here in the face of the court, submitting themselves to the tryal by him desired, they expect their accuser, having hoped that he would have come in like a brave gentleman and justified these foul aspersions wherewith he had charged them, but innocency and truth he said were bold and settled, whereas calumnies and untruths were fearfull and fugitive.

He further said that of all his calumnies and accusations there was none more unjust nor more apparently untrue than that wherewith he had charged (though not by name yet by necessary inference) my Lord of Southampton himself, namely, that the Company were so overawed that their liberty of speaking was taken away from them, nor what mischiefs have ensued hereupon every man might apprehend, for it appeared by Sir Henry Mildmay's speech that his Majesty's ears have been possessed therewith, even as Mr. Wrote, with his friends and familiars, hath filled all parts of the city and country with like causeless clamours and brought great scandal upon the Company, which wrongs so great, so unjust and so pernicious, if they should be suffered to continue and proceed without repressing them, he saw not but the whole government of the Company must withall dissolve and fall into extream scorn, contempt and confusion.

The Earl of Southampton said that he could not without some pity think on the extream trouble and vexation that one man's unruliness in his speech and disorderly carriage had brought upon the whole Company, having forced them to keep so many

courts day after day, and that of so long continuance and unreasonableness as good part of the rights have been taken up about them, and that not about matters of weight neither in his cause, but only for the satisfying of his frivolous exceptions and cavills, and debating and answering of his impertinent and absurd propositions; wherefore he supposed the court should do very well by a just censure of so many enormities and expresses, to prevent the like occasion of molestation and misdemeanor to themselves hereafter, otherwise he did not see but another man might be encouraged by the impunity of this fact to do as much the next court, whereby the Company should be quite tired out and the whole business be utterly overthrown, for such was the malignancy of this passage that for full eight weeks it had hindered all other proceedings.

Sir John Davers said that having seen Mr. Wrote present himself since the selling of the * *, and afterwards finding that he had withdrawn himself, it seemed plain to him that he had deserted his cause, which he saw he could not maintain, and therefore he did not think it fit to lose any longer time in expecting him, but to proceed to the sentencing of him, but yet before that was done he thought it fit that these imputations, charges and accusations which Mr. Wrote had laid upon the proceedings of the Council and the Companies in the business of the contract, and particularly of the salaries, should be propounded to the judgment of the court, viz: whether they did approve all or any of them to be true, which course was well liked; whereupon his Lordship put it to the question whether they did not think that those exceptions, charges, accusations and injunctions laid by Mr. Wrote were not false and slanderous. It was by a general erection of hands adjudged that they were false and slanderous, no one dissenting.

After this Sir Henry Mildmay stood up, desiring liberty and favour for a word or two—first, he desired this honorable Company that they would not think he hath been the instrument to stir up storms, but one that hath endeavoured to allay them; and whereas he, upon the Monday before, delivered his advice as from himself unto the Company upon some conference he had with the King touching certain points, he was informed some made a question whether he had warrant to deliver what he then did, he thought good therefore now to signify that whatsoever

he intimated before unto them he had now warrant from his Majesty, who by way of advice and council, but no way to command them, wished that verbal differences may be left and the business of the plantation go on.

Whereupon the Earl of Southampton said that for the matter of differences they were now about to lay them aside, and to make such an end as they might go indeed forward with the business of the plantation, which had been very long and sorely interrupted; but if it were his Majesty's pleasure they should not meddle with any evil words nor evil behaviour they would all obey. Sir Henry Mildmay answered, he had no command at all from his Majesty, but only warrant to speak what he now had delivered by way of advice.

Sir Edward Sackvill said, that to prove a truth one of the best evidences is to have one and the same thing averred by double testimony; that Sir Henry Mildmay hath, in substance, delivered his Majesty's most gracious message he can knowingly affirm and witness, for it being feared that some had endeavoured to prejudice his Majesty's good opinion with sinister relations of the proceedings of this Company, he did, out of his zeal to truth and the duty he owed to this society, mediate for access, whereby he might enjoy the means as he did the mind to rectify such misinformations, and remove unjust impressions if any such had been harboured in his royal breast, but truly he could not find that there were any, only that his Majesty had been pleased to send a message, then irrevocable, by reason believed it was already delivered, it being then about three of the clock, which in essence and effect did correspond and accord with this now immediately related—namely, that at last his Majesty invited us to forsake words and fall to actions, and at last to end to talk and begin to do, which would most advance his service and confer the greatest benefit unto the colony unto which he wished all happiness.

The Company did with general voice acknowledge much joy and thankfulness to his Majesty for his so royal care and remembrance of them and their affairs, and that after such a manner as they profess never to have receaved a greater favour, and therefore it was generally desired by the court that to make a final end of these matters, that had for so long interrupted and diverted them, that according to his Majesty's gracious advice and

council they might fall to action and dispatch the business now in hand without any further circumstances or delays.

Whereupon Mr. Christopher Brooke said that since the way to bring it to an end was to fall to it, he would first begin, and first said that by that which had been declared against Mr. Wrote he did not perceive that he had accused but abused the court and all these other parties which he sought to disgrace, and that in such a manner as might not be let pass unpunished; for as it is true that a president doth more good than many precepts, so an ill example in a society or Company doth much more hurt; as for the law, he said it is plain if a man enfranchised in any Company shall speak against the good thereof he may be defranchised, but if he shall contemptuously behave or carry himself against the Governor or government thereof he is subject to fine and imprisonment; and although it was plain that Mr. Wrote had in both these kinds offended in a very high manner, for his words and behaviour both to the Council and Company, had been extreamly contemptuous, and his motions, attempts and practices full of indiscretions and of evil consequence, as did mainly endanger the overthrow of the Companies and plantations, and wherein there was certainly manifested a great deal of ill will, yet because the words would not directly bear it, he would not therefore touch upon his freehold in Virginia by disfranchising him, but would advise rather that Mr. Wrote (having so exceedingly misdemeaned himself) should by the court (which as it had power to choose so likewise it had power to deprive) be put off and excluded forever from being any more of the Council; and further, that he should be suspended from coming to the courts till he looked into his own error and made submission.

The Lord Cavendish said that Mr. Wrote had shew'd an ill affection to the treaty of the contract since the very beginning thereof, for being (before the contract came to proposition) a diligent attender at courts, he, since that time after, absented himself from courts and from the meetings of the Council and committees where that business was handled, and because he would not give his consent he therefore would give no advice, and whereas, before it was his duty as a councelor to have assisted with his council and help for the preparing and ordering of such weighty business and important points, he had refused and neglected it,

although he were particularly warned to their meetings, but when things were passed and ordered and could not be revoaked, then, with strange violence and underliness, under pretence of zeal and care for the public, he did in all places publicly and privately call in question the acts and proceedings of the Council, Committee and Company, defaming and depraving them with as many virulent aspersions as a foul mouth and an ill heart could devise; neither was his malice bounded in these passages only, but running out to other matters, he made heavy challenges and laid foul crimes upon some of the principal officers in the Company with an intent only to slander them, for, as they had seen, he refused and withdrew when he should come to the point. His Lordship further said he observed his offences in that court of the 4th of December to be three: first, his excepting against an order in the Spanish roll, where the Company are to bear a tenth part. Touching which, having refused formerly to give his advice, although he were warned to the meetings of the Council and Committees, where that business was fully and largely debated; yet, after it was, by the act of both Companies in their quarter-courts, concluded and agreed, he, in that ordinary court being told that it could not be altered, being warned that it might extreamly prejudice the Companies, would not forbear dispute against it, nor would keep any order but speak as often as he listed, and to the intent the better reasons with which he was answered might not frustrate their fears and discouragements, which he laboured to instil into the Companies' minds, he did not confidently avouch the laws of the realm to be agreeable to his opinion, but falsely (as, by his own confession to the Council, afterwards appears) affirmed that he had asked the council of the lawyers particularly concerning that part to make this evil sink the deeper, and that that was done not out of present passion and heat, but upon premeditate intention to raise a combustion; his Lordship said he was the more confirmed therein because at that court he observed divers whom he had not of a long time before seen in courts, and was generally known not to appear or shew their faces but against a storm and tempest. Secondly, in that court Mr. Wrote's wronging the Council and that in a high manner, in general the Committees and Company, all which, together with the Governor, he deprived, not only of want of wisdom and judgment to contrive and consult of things, but of

want of care duly to consider and prepare them, and, lastly, of honesty itself, for all these things do the words which he then spake not only imply but directly and plainly charge, he saying that things were not fairly carried but foully and with much art, surreptitiously and to private ends, and that the Companies durst not speak their minds because they were overawed, so that there was neither wisdom nor care nor honesty nor good meaning, and, although with a protestation *post facto*, he would seem to turn it from the Earl of Southampton, himself and the rest of the Council. yet the truth of the matter was that these accusations could light, for the Earl of Southampton, himself and the Council were not only consenting but act on, and the chief and principal in all those passages which Mr. Wrote had thus censured; and thereupon his Lordship took occasion, out of the court-books themselves, to demonstrate how duly, how orderly and how fairly all things had, as well in the Council and Committees as in the courts, been carried, how maturely they were prepared, how judiciously debated, how freely propounded to the courts, how men were invited to speak freely their minds concerning them, how those that made objections were not only patiently heard, but thanked.

The third offence which Mr. Wrote committed on that court was, under a private pretence of the poor planters' good, to lay a foundation and ground work to nourish a discontent and dislike in the planters' minds concerning the contracts and the Companies, and to set himself up for a champion and patron of them as though the Company were negligent of their good or purposed to oppress them, and so to raise a mutiny. Besides, his Lordship said he would lay the heavier censure upon him for going with so false an accusation to the King as implying that they were overawed and durst not speak, which could come from * man but Mr. Wrote; and therefore, seeing his Majesty so much desired an end of these differences, his Lordship conceived it could not be better nor sooner performed than by cutting off so unworthy a member.

Whereupon his Lordship said that he affirmed the former censure of the Council, and now his opinion was that Mr. Wrote be excluded and put off from being of the Council, never to be admitted thereof again. Secondly, that Mr. Wrote be disfranchised from the Company as an unworthy member. Thirdly, that cau-

tions be given to all succeeding governors that they permit not Mr. Wrote to step again into the Company.

Sir Edward Sackvill said that he would not now stand to anatomize the carriage of Mr. Wrote, seeing the Lord Cavendish had so fully done it; as for the censure which his Lordship was of opinion should be laid upon him, he said that if Mr. Wrote's present behaviour were only considered he was of opinion that the censure was far under the merit of his demerit, but he had both heard and seen that Mr. Wrote had formerly done good service for the Company; wherefore, although he was now an infected member, yet because he might perhaps become good again, his opinion was that he should be discomposed from being of the Council and suspended from the courts until he make his submission.

Sir John Davers said that he cannot remember much merit in Mr. Wrote for matter of counsel, and therefore would conclude him without returning that he should never more be of the Council. Secondly, his opinion was that he should be suspended from coming to courts until he shall acknowledge his sentence is just and fault great, and that in a quarter-court; and further, because of his many appeals and threatenings, heretofore in court and elsewhere openly, of prosecuting his ill-intention some other ways, if he shall not from henceforward desist those indirect courses, his motion was that Mr. Wrote's proceedings, together with the Companies' sentence, should be put in print for the justification of the Company.

Sir Lawrence Hide said that he was sorry to see a man of that sufficiency as Mr. Wrote had shewed, commit so great a fault as to be guilty of mutiny and so obstinately to persist in so bad a course, he having been offered so many means both for the Council and Company to see and amend his error, withall he feared his fact is such as some others of the Company have been infected thereby, and therefore for example's sake, and that this, his censure, might be a terror unto others, he held it fit he be excluded forever both from the Council and Company without accepting of any submission or acknowledgment at all how great soever.

Hereupon the Earl of Southampton said that seeing the opinions were somewhat different he would propose a middle way touching his suspension from the Company, namely, that it might be for a time until he shall submit himself, and not abso-

lutely forever. In the end, after some disputes it was thought fit to make a question: First, therefore his Lordship putting to the question, whether Mr. Wrote should be put off and excluded forever from being of the Council, it was, by a general erection of hands (no one dissenting) concluded and ordered that he should be put off and excluded forever from the Council.

Secondly, his Lordship put it to the question whether the Company would have Mr. Wrote disfranchised or suspended as had been proposed, it was by plurality of hands agreed that he should be onely suspended.

Thirdly, his Lordship put it to the question whether his suspension should be absolute forever, as had been propounded, or whether upon a certain time, upon his submission, he might not be admitted; the question being put, it was by a general erection of hands agreed his suspension should not be forever.

Fourthly, it was put to the question whether his suspension should be left indifferently until he shall submit, or whether he should be absolutely suspended for one whole year, wherein his submission, though he offered it, should not be accepted. It being put to the question, it was by a general erection of hands ordered and agreed, that in regard he had neglected that time, wherein he might have made his peace if he had submitted himself, he should therefore be excluded for one whole year entirely, wherein his submission should not be accepted although he should offer it, but at the year's end, if he shall then make his submission to the next quarter-court following in such good manner as shall be fit, that then it is left to the pleasure of the quarter-court to readmit him, but without due submission it was ordered that he should never be admitted.

Lastly, upon Sir John Davers' motion, that in case Mr. Wrote, notwithstanding his just censure, shall persist in his wilfull opinion and courses to cast aspersions upon the Company or courts, or any way wrong or molest them, directly or indirectly, then to cause his sentence, with a declaration of his proceedings, to be put in print, which motion being well approved of was put to the question, and by a general erection of hands ordered accordingly.

Upon motion, it was generally ordered and agreed that Sir Robert Killegrew should be of the committee in the stead of Mr. Wrote, suspended.

Sir Edward Sackvill said, that although it was unseasonable, yea, almost unmannerly to abuse the patience of this court with any longer discourse, their ears being already hurried with too much noise of this kind, yet he would presume a little further in it, being engaged by promise to impart this night what he had to trouble them with, and hoped easily pardoned, since it tends to either their honor or their profit, if not to both: meeting of late casually with Sir Thomas Smith (who once and that long had been the *primus motor* in this Company), he addressed himself unto him, seeming much discontented at the professions he had heard Sir Edward had made in divers places of his being in debt to the Company, he being one that did not use to deny what he had said, and commonly to speak what he thinks. Sir Edward said he confessed it true that he had spoken to others as much as was informed him by power of good worth and understanding, whom as yet he had no cause to discredit; whereupon Sir Thomas Smith professed his innocency and integrity, and amongst many arguments he used two which most moved with Sir Edward; one, that if he were indebted so much as was imputed, why did the Company, who pretended necessity, forbear thus long to begin to recover it, he being able to make satisfaction; next, Sir Thomas Smith protested he had divers times importuned an auditing of his accompts, which, by the space of three years he could never yet obtain, though, for his part, he had delivered in all his books whereby to tax him. There was then present two gentlemen of good worth and reputation, Sir Humphrey Handford, now sheriff, and one Mr. Abdy, a rich merchant, that confirmed as much, adding they had by assent of the court and upon oath examined his accounts, and in the ballancing of them found the Company to owe unto Sir Thomas Smith five hundred and odd pounds, which they had witnessed under their hands and delivered unto this court; hereupon, Sir Thomas Smith desired he might go on in peace unto his grave being already stricken for in years, which alone must shortly period his days, were it not accompanied with many other infirmities incident to age, the pains whereof, though many times they much tormented and afflicted him, were nothing in comparison of those wherewith his good name and reputation stood affected by these injurious and unjust aspersions, especially proceeding from thence whom he had hoped to have merited by

his many years' pains a better return and acknowledgment; Sir Edward Sackville therefore said, to deny this request of his was meer injustice, and to delay it but hard justice, wherefore he beseeched the court to appoint some with expedition to put a final end to this business by liquidation of his accounts, and by the verity of them let him stand or fall, till then (he said) himself and every man are bound in charity to hope the best and in honesty condemn no man that thus fairly puts himself to his tryall, and by this way profit will redound to the Company if there be any thing due; and if not it is for their honour to give him a *quietus est.*

Whereupon Sir Edwin Sandys said that he conceived the office of the auditors was not to make an account but to examine it; but the auditors, after long and great labour taken in perusing and considering of the accounts exhibited by Sir Thomas Smith, have found the same so defective, disorderly and intricate, as it can hardly merit the name of an account, being many ways faulty and altogether unexaminable, which he spake not as he said to lay any aspersion upon the reputation of Sir Thomas Smith further than of neglect and that through multitude of business, for the world knew that Sir Thomas Smith himself, that the fault of not auditing was not in the auditors, but in the accounts he had in writing, ready to shew certain weighty examination formerly taken against them, which yet he desired not to be read openly in court, being only prepared for the present view of my Lord of Southampton, who had oftentimes moved the auditors for dispatch of those accounts; notwithstanding, my Lord of Southampton desired they would proceed to do something therein, and if they find them bottomless, then to certify Sir Thomas Smith what the defects be, which was promised should be done with as much expedition as other business would permit.

His Lordship moved that these following might be admitted of the Council in respect of their worth and sufficiency, vizt:

Lord Maynard, Lord De Lawarr,
Lord General Vetne, Col. Ogle,
Sir Lawrence Hide.

All which being put to the question, were by a general erection of hands admitted accordingly.

On the 12th of February, 1622, was held the quarter-court for the Somer Islands, which having dispatched their particular business, the Earl of Southampton said he had something to acquaint them concerning the contract, wherefore, as also that in regard the Virginia quarter-court had referred the confirmation or reformation, if a better course could be propounded of the salaries and manner of managing the contract; he therefore moved that, in regard these things equally concerned both Companies, the Virginia Company, whereof a large number had very long attended in the parlours, might be called in, and these points propounded and debated together with them, for so, by the addition of many able and wise persons, the matter would be the more fuller and soundly debated and more fairly and judiciously concluded, and this course was so much the more reasonable because all the Somer Islands Company (save one or two) were free of the Virginia Company.

Whereupon the Earl of Southampton, taking the chair, signified unto both Companies that the contract, which had so long hung in suspense, was now again sent, signed by the Lord Treasurer, without any alteration at all from that which was formerly agreed on by the quarter-courts, and that the Lords of his Majesty's Privy Council, having been acquainted by the Lord Treasurer with the contract, did very well approve thereof; only one thing he was to signify unto them from the Lord Treasurer, touching the proclamation which, by the articles, was to be immediately granted, which, for some weighty reasons, no way prejudicial to the Company, the Lord Treasurer desired might be respited for three or four months only, after which time the Lord Treasurer promised there should be such a one granted unto them and as themselves desired, and, in the mean while, said that the Companies might make use of the proclamation granted to the former patentees, and besides they should immediately have his Lordship's letters written to all the ports in England in so effectual a manner as the proclamation itself should not work more to their benefit. The same course, likewise, should be held for Ireland, by very effectual letters written to the Lord Deputy to prohibit the planting of tobacco there, and to forbid the importation of any but such as should, by the Companies, be brought in; wherefore, by these good supplies, the Lord Treasurer conceived the want of proclamations for so small a time as is desired

could be no prejudice at all unto them, but the forbearance thereof was, for some important reasons of state, absolutely necessary.

This, the Earl of Southampton said, was by the proposition which he was to offer unto the Companies from the Lord Treasurer, wherefore he desired them to take it into their consideration whether they might give way unto it or no.

Whereupon Mr. Deputy said that if the Companies had so earnestly desired the proclamation only to debarr the importation of tobacco by any but themselves, the delay thereof for so short a time as was propounded (the want of it being otherways to be so well supply'd) might, in his opinion, be yielded unto, but he said that, in the first treaty of that point, the countenance and reputation which the Company should receive by so publick a declaration of his Majesty's gracious favour and love to them, in granting them the sole importation, was a motive that exceedingly swayed with the Companies, and now, on the contrary, the want thereof, as it would much discourage, so, perhaps, it would disgrace them.

Sir Edwin Sandys said there never having been any restraint in Ireland for the importation of tobacco, it would be very difficult, without a proclamation, to do any good there.

But neither this nor Mr. Deputy's reasons were adjudged of such force as therefore the contract should not be proceeded in, by denying to yield to the Lord Treasurer's request, wherefore, upon some consideration of the proclamation granted to the former patentees, whereof it was adjudged there might be made good use, and after much dispute and many motions made for obtaining a longer time for bringing in of the Spanish tobacco, and that the payments should not begin until the proclamation should come forth, and divers others such like, which were all rejected as things of no great moment, and which, perhaps, would much distast the Lord Treasurer, the Company desired his Lordship to put it to the question, which was done in this manner, viz: whether the Company would conclude this bargain, notwithstanding the delay of the proclamation, upon my Lord Treasurer's promise that they shall be strengthened with all other helps, both for this kingdom and Ireland, provided they may have the proclamation, which hath been already offered by the Companies and approved by Mr. Attorney, or some other to as good effect,

before the 20th of June next, and this condition to be inserted in the letters of patents; this, by a general erection of hands, with an unanimous consent of the whole court, no one dissenting.

This business thus concluded, the Earl of Southampton desired them to proceed with the other business concerning the manner of managing the contract and the salaries, against which so many and better acclamations had been made by some as things most unreasonable and unjust.

But divers that had heretofore professed themselves against these points moved that because it was now very late the consideration and disputing of them might be referred to a further time, some saying they were not fully prepared, others that they would treat of it in a Somer Islands court only and not in the presence of the Virginia Company; some said that altho' they were members of the Virginia Company, yet having there no other adventures than their land, and looking for no goods, they would not meddle one way or other therein as members of the Virginia Company, for since the salaries were to be raised upon the goods, they did not think it fit to meddle with imposing of any charge whereof themselves should not bear a part, wherefore as in a Virginia court they would say nothing, but in a Somer Islands court, in which plantation they were very deeply engaged, they wou'd declare themselves freely.

To these last Mr. Deputy answered that he hoped the bond of that oath which they had taken as councelors for Virginia would sway as much to assist them with their councils and good reasons, if they had any, to prevent the damage of the plantation in Virginia if they conceived any likely to follow by these salaries, as their private estates and profits should for the Somer Islands.

But for those others that required further time, he said it seemed wonderfull strange to him that men that had raised such strange storms and tempests touching the salaries, not only to the disreputation of the Company's proceedings, but much to the hinderance of the plantations itself, and to the utter disgracing and defaming of some very worthy persons, having sought to make them infamous, not only in this city but throughout the whole kingdom, and only for accepting of these salaries, that after all this mischief done they should be yet unprepared with plain and evident reasons to overthrow the salaries, he could not sufficiently marvell, and that the more because he saw before his

eyes some of them who, in the court the 11th of December, when the consideration of the salaries was referred to this day, said they would against that time fortify themselves to cut the throat of the salaries. Wherefore he desired them very earnestly, without any long delaying, to bring forth those weighty reasons for which they have so much traduced and defamed this matter.

Hereupon some said that the two great salaries were too high; that the service that should be this year done in selling of the tobacco could not deserve such fees, for perhaps the tobacco would be sold, most of it, in great pieces by the candle.

Sir Edwin Sandys said that, having surrendered his place, which he very seriously protested he would not again accept, he would speak freely what he thought. He said that he conceived this business to be one of the most intricate and difficult that in the like kind had been ever attempted, and that the matter of selling the tobacco was one of the least parts of the business, as had been well declared in a meeting presented to the Council and committees before the quarter-court, wherein the officers were propounded and passed, for although that care and labour should be much eased if the sale should pass so in great parcells as was propounded, yet it could not be but that much would remain behind, whereof there must be dayly selling, but this was the committee's labour, properly the Director, Deputy and Treasurers would be a continual and endless from the keeping out of bringing in Spanish tobacco unduly, the attendance of the Lord Treasurer, the answering and satisfying of so many hundred of people as would be interested in this business, the proportioning of men's dividents which would be often to be made, and that very intricate, considering that the business depended upon many and very indifferent accounts and parts which yet must all be reduced to one unity of action. These several parts, he said, besides an infinite number of lesser actions, were so many as the performance of them did amaze him when he considered of them, so that he did not think any two men's sufficiency for understanding nor ability for bodily pains could suffice to the performance of all these things without a great deal of other good help.

Sir Henry Mildmay moved that because it was now grown very late that the agreement about the salaries might be deferred till the next quarter-court, until his Majesty's pleasure might be further known whether he would give allowance of so great a pro-

portion or no, but for the present he held it altogether unfit to be concluded upon.

Whereupon answer was made that there was a necessity of concluding upon officers and salaries now at this present, because all the tobacco would be come home from the two plantations before the next quarter-court; if, therefore, in the mean time no officers be appointed for managing of tobacco when it it shall come home the business would be utterly neglected, and both the King and Companies will thereby be much prejudiced in point of profit.

As for further seeking to his Majesty, since it pleased him (as by the articles appeared) to referr the appointing of salaries to the courts, considering they were to bear two-thirds to his Majesty's one, that was judged altogether needless, for having by the Lord Treasurer's favour obtained that grace, why should they not accordingly make use of it according as themselves should find most beneficial for the advancement of the business.

Mr. Alderman Johnston said that it was to be considered what covenants and explanations the agents will enter into to free the Company from the contract with his Majesty touching the Spanish tobacco. He said he found no fault with the salaries, but with the greatness of them, in gross being £2,500; for he said if a small quantity of tobacco comes home that must be charged, for anything appears to the contrary, to the whole sum of £2,500. And on the other side if ready chapmen be found to take off this tobacco when it doth come home by a joint stock, what shall these salary men then deserve? He therefore concluded that it were fit for the fair and safe carriage of the business that there be a tripertite indenture drawn between the King and the Companies and the undertakers, and that there should be a stint set down how much should be laid upon every pound of tobacco.

To this last point it was answered that there could not be any certain sum now set down, but that was to be left till hereafter, when if great quantities come in the burthen would be less; if but small quantities then there must be the more laid upon the pound of tobacco, in which case it was very certain that the addition of greater charge for the raising of the sum propounded could not be so much but that it would be manifoldly repaid by the advancement of the price of tobacco, for it was certain that

if the quantity of tobacco should be but small it would be sold at a very high rate.

Sir Nathaniel Rich moved that the Virginia Company would deferr their resolution of the salaries until the Somer Islands Company have considered thereof and agreed thereupon, for he hoped that it was not intended that these of the Somer Islands Company should have the same burden laid upon them as—1. upon the Virginia, considering their Company is but small, their debts great, and their supplies and other charges are and have been of late years exceeding burdensome.

2. In regard the Virginia tobacco will bear a better price than the Somer Islands tobacco, that therefore the matter of charge be not made equal but proportionable.

3. That the charge of impositions be made certain upon the pound, be the quantity more or less that comes in, that both the planter and adventurer may know the uttermost of his charge.

Answer was made that the last of these points were formerly answered; as for the other, the case of Virginia was held to be as hard this year as the Somer Islands could be, and therefore the burden must be equal.

Mr. Alderman Johnson at last offered in writing these propositions following, viz:

PROPOSITIONS.

*To the Honourable Court of Somer Islands, for the better Performance of the Contract with his Majesty and on Behalf of the said Plantations.*

*Right Hon'ble*:

For avoiding of troublesome and offensive speech to this hon'ble court, and the multiplication of many words and exceptions against the salaries as they now stand propounded, or against the parties intended for the managing the sale of our Somer Islands tobacco, it is thought convenient by the author himself briefly to propound in writing these reasonable propositions, which he desireth may be read and considered of, and put to the question by this hon'ble court.

Whereas, at a late Virginia court there was tendered a project by a former committee appointed and an imperfect draught

of another project by Mr. Wrote, as touching the salary and disposing of Virginia and Spanish tobacco; which two being compared by the Company being assembled, that of the committee was allowed by erection of hands, etc., so it stands confirmed.

But forasmuch as it is conceived that neither of those projects can be in all points fitting for those of the Somer Islands plantation, which stands upon main different terms from that in Virginia, it is humbly desired that the premises (so farr as concerns this plantation) may be better considered, and how to be carried in the medium of a more better way before it be too suddenly concluded in this court.

That an indifferent committee may be nominated and appointed by this court, consisting of such as are deepest engaged in supplying their shares and in the goods shortly to be returned from thence. And forasmuch as this work is of great importance, as well for his Majesty's benefit as for the adventurers' and planters' good, if well performed, so, if otherwise, to the very great hurt of both.

The committees are advisedly to consider of the Somer Islands proportion of salary for agency, and to agree with those agents of such explanations, covenants and assurance to be drawn and indented, as well on the adventurers' as on the agents' part to be performed, as shall be thought necessary for the better accomplishment of the contract with his Majesty and for securing the adventurers and planters on sundry needful points, and also to consider particularly of the agents already nominated, and of the exceptions to be made against some of them.

And that none of those already appointed for salary in the Virginia, nor their brethren, may be of this committee nor to have voice in court when this is put to the question, they being of a second party which must conferr with this committee.

Finally, this committee shall nominate none of themselves to be agents or factors for salary, howsoever they may be thought fitting to be agents at large without salary, as being such as will have the greater care of rent and good success in that wherein themselves have the greatest share and interest.

By me,

ROBERT JOHNSON, *Alderman.*

*February 22, 1622.*

Which being read, it was by divers answered that such generalities did not any way direct them in the particularities now in question; as for the matters desired to be referred to committees, they were already under a select committee, than which a more sufficient could not be chosen, and this and many other points had now e'er this been well settled had it not been for the interruption that had been by these late courses of defaming and disgracing the officers, which were such and so many, as Sir Edwin Sandys again protested that he would not for any reward whatsoever any longer endure them, wherefore he besought them to make choice of some other in his place, to the intent that for the want of that officer the business did not stand at a stay.

The Lord Cavendish moved that seeing Sir Edwin Sandys would by no means any longer hold the place of Director, they would now propose some other fit man for that office; whereupon some nominated Sir Nathaniel Rich, but he excused himself as well for his own insufficiencys as also that he should be often absent out of town, in which regard he would not undertake it for £10,000 ℔ annum, but said if he were fitted for the business he should be willing to do it gratis.

Next some proposed Sir Thomas Wroth, but he said he was not fit for it.

Some also nominated Mr. Edward Johnson, but he excused himself as no way able for such a place.

Sir Nathaniel Rich desired to be satisfyed how the planters shall be dealt withall about his tobacco, in case he stand in need of present money; touching which, he said he would now make a proposition to this court, viz:

That he would undertake, together with his friends within a stock of 14 or £15,000, to take of the whole quantity of tobacco that should come home, which would be beneficial both to the King and planter.

In the end, after a very long debate and dispute, the court, seeming ill satisfyed that so many diversions were made, and that against the salaries which were in question there were brought no better arguments, earnestly called upon his Lordship to put the matter to the question.

Whereupon his Lordship put it to the question whither they would establish all things accordingly as they were formerly ordered, as well concerning the offices as salaries, which being

put to the question, it was, by a general erection of hands, ordered and agreed that the offices and salaries should stand as they were formerly set down.

It being also put to the question whether they would accept of Sir Edwin Sandys' resignation of the office of Director or no, it was, by a general erection of hands, denied and, on the contrary, he was generally very earnestly entreated not to think of leaving the place upon any discouragement whatsoever, they professing that, without his assistance, they should much doubt of the well managing of so difficult a business.

The Virginia court being ended, the Lord Cavendish took again his chair, and, propounding the matter of the proclamation, which the Lord Treasurer desired to be forborn for some months, it was passed, by erection of hands, in the self same terms, together with the whole body of the contract, as the Virginia Company had passed it.

As for the matter of salaries and conveyance of the lands, it being almost 11 of the clock, it was moved that this court might referr these points to be disputed and debated of on Monday next, with full authority to conclude them, which being put to the question, it was generally agreed and ordered that these two businesses should that day be first handled and ordered before any other.

At a court held for Virginia and the Somer Islands the 19th of February, 1622, in reading the proceedings of a previous court, the passing of certain shares being mentioned, Mr. Casewell said this brought to his remembrance a thing which divers good members of the Company had, with much sollicitousness and care, oftentimes thought and treated of, that is, concerning the manner of admitting men to the freedom of this Company, which seemed to them to be done with more speed and less care and consideration than were requisite in a business of so high importance as the plantations are, which it is well known have many and sore enemies, divers of which (perhaps to the intent they may do the more harm) seek to obtain the freedom of the Company, and that as admissions now pass (viz.) upon the first proposing, could not be avoided nor hindered.

Wherefore, for the preventing of so great inconveniences as the coming in of such persons would breed to the Company, his motion was that it should be ordered, or made a law, that no

enemy or open hinderer of the plantations or unworthy should be admitted into this Society, and, for the better keeping of them out, he propounded that it might be ordered that, if exceptions should be taken against any person that should be propounded, either as an enemy or evil-willer to the plantations, or otherwise not worthy of this Society, that the admission of such persons should not be immediately granted at the same court, but respited to the pleasure of the quarter-court next following.

The Earl of Southampton said he had not heretofore heard of the proposition of Mr. Casewell, but, upon the first view, it seemed to him very good and reasonable that there should be good care and order held in the admission of men to the Company of Virginia and the Somer Islands; divers others likewise of the Company commended Mr. Casewell's motion, and that the rather that, whereas because in all other companies men take an oath to be true and faithfull to the company, in these Companies there is no such thing; wherefore it were fit that since that tye and obligation are here, that there should be so much the more care and consideration had in admitting of men.

But against this it was objected that it was contrary to the laws of the Company, which said that admission shall not be denied where it is due; and it was further alledged that the land in Virginia, being held in free soccage, it could not, by the laws of the realm, be forbidden, but a man might sell and put over his land to whom he pleased, and therefore the Company could not deny to admit any man.

To the first it was answered that the laws of the Virginia Company did not speak one way or other concerning that matter, but that that clause was in the Somer Islands Company, which yet could not be so far strained as that therefore any enemy or unworthy person should be admitted.

For the words are, "when it is apparently due," but certainly it is justly questionable whether an enemy or unworthy person should be admitted.

But, for the second objection, the Earl of Southampton said that he did not understand the proposition to be meant concerning the passing of right and possession of lands, but only concerning the giving of vote and setting in courts, which a man might be debarred of, although he had not only right but possession of lands, in either of the Companies, as was evident in the

example of Mr. Wrote, who, although he was utterly disabled from coming to the courts, yet his lands and freeholds in both the plantations were not taken from him.

Wherefore, although the Company might not deny or debarr any man from selling his land to whom he pleased, yet they might refuse to accept of an unworthy person to have voice among them; and this, Mr. Christopher Brooke said, was not only not contrary but agreeable to the law, for in divers cases of right there was sued out notwithstanding a writ of *ad quod damnum*, which, being returned and cleared, the admittance would of itself ensue.

Sir Edwin Sandys also alledged the dayly practise of the Company who refuse to admit of any passage of lands from him that is indebted to the Company, which is to be understood from having voice in courts only, for it is not questionable, but that, tho' a man be indebted to the Company, he may pass his lands to any other, and that he that shall buy it shall have as good right and title as the first had, but yet, by the laws of the Company, he cannot have voice in the courts until the debts be satisfied unto the Company, wherefore, if in this case the Company deny admission, much more may they do it upon such other weighty exceptions as were propounded.

But it was further propounded that upon objection taken against a person propounded, the admission should be delayed and the matter referred to the quarter-court, it would be in the power of any malicious man to affront and disgrace whom he pleased, and either he must set down with the repulse, or else put himself upon a tryal and censure of a multitude, whereby, although he should in the end be justified, yet he might incur much disreputation, and in the meanwhile tossed up and down in men's mouths, wherefore they were of opinion that that course would be full of scandall; as for clearing the Company of unworthy members, it was in the Company's power, upon just reasons, to expell them and cast them out.

But the Earl of Southampton answered that it was both easier and safer to prevent the admitting them than, being admitted, to cast them out, and for the former part of the exception that they shou'd gain much more credit by being so honorably cleared, than they could suffer disreputation by being maliciously excepted against, and that considering the great shame and infamy

that he should maliciously call another's work in question should undergo, men would be wary how they hazarded their own fame and good reputation in calling others in question, wherefore this danger would hardly light upon others that deserved it not.

In the end, after much dispute, it was resolved that there should be a Committee appointed to consider against the next quarter-court of some fitting law to be made concerning the admitting of men in a wary and orderly manner, and particularly for the preventing the admitting of unworthy persons, which Committee, according to the form prescribed in the laws, are to bring their labours to the Council, and the Council to the preparative court, and so to the quarter-court ; that being put to the question was by a general erection of hands, no one dissenting, ordered, and for Committees to prepare the business were named :

| | |
|---|---|
| Sir Robert Killegrew, | Mr. Christopher Brooke, |
| Sir Edwin Sandys, | Mr. Withers, |
| Sir John Davers, | Mr. Berblock, |
| Colo. Ogle, | Mr. Casewell, or any 4, |

who are desired to meet as soon as they could conveniently treat thereabout; in the meanwhile, till the matter might by a law be fully and perfectly established, it being put to the question was by erection of hands ordered that no admission should be granted at the same court where it was propounded, but referred to the next quarter-court after, when if no exception at were taken, or but such as were frivolous, the admission should be confirmed, but if any just or weighty exception were taken against the person propounded, then the admission should be deferred until the quarter-court next following.

A report being called for of what was, by the Director and committees propounded, Mr. Deputy said that the committee's consideration did begin at those particulars where the contract ended, which how far it went to the 6th article expressed, viz: that not only the sole importation, but the sole sale was to be managed by the Companies, that is (as there is explained) by such officers as the Companies should choose and depute. This, he said, he did think necessary to promise for the answering of those doubts and exceptions which he had heard by many publicly and privately made, vizt: that they should be debarred of the possession of their own goods, that they must trust the sale

of them to others, etc. For this condition did arise immediately and was inherent in the very contract itself, so that whatsoever would enjoy the liberty and benefit of bringing in tobacco hither must, without dispute, resolve to submit himself thereunto, and therefore he desired that no man would call these things in question, but for the safe and secure custody, both of the goods themselves and also of the money, after they should come into the officers' hands, and for the fair, just and equal ordering and disposing and selling of the commodity, and that to the best profit and advantage both of his Majesty and the Companies, the Directors and committees had propounded these courses following to be held, which he would, in the self-same order, relate as they were by them considered of:

First, therefore, to begin with the arrival of the goods here, they conceived fit that some officers, men of trust, and that should take an oath, should be immediately sent aboard the ships to take care that no tobacco should be stolen out of the ships, but all might be duly brought into the Company's hands.

Secondly, that the masters of ships and such others as should be thought requisite, should, upon their oaths, be examined and charged to deliver a true invoice of all the tobacco brought home in their ships.

Thirdly, that besides the husband, there should be at the least two of the committees appointed for taking up of the goods out of the ship into the custom-house, who should, with the husband, take exact notice of the weight of every man's goods and how it was agreeable to the invoices, and how it was conditioned, to the intent that if by the mariners or others there had been any fraud or embezling in the quantity, or by their neglect or default the goods were spoiled, there might be restitution made respectively unto the owners.

Fourthly, for the discharging of the custom, freight, etc., the Director, Treasurer and committees should take order, without troubling the private adventurers, to lay down the moneys which should be due, which was conceived would be generally a great benefit and ease unto the adventurers and planters, and they might safely undertake it, in regard they had the whole goods in pawn to make themselves full satisfaction.

Fifthly, after the goods were cleared from the custom-house, the committees, together with the husband, should take care for

the safe conveyance and sure keeping of the tobacco in the warehouses and storehouses belonging to the Company, for the accomplishment whereof these courses were propounded.

First, that it should be the care and charge of the husband, assisted with two of the committees at least, to receive in the goods and to keep a book plainly expressing the quantity, weight and marks of each man's parcel of tobacco, and in what warehouse it is put; which, being done, the said books of the husband should be presented to the Director and the rest of the officers, who should take order that the book-keeper should, out of the said books, frame an orderly and plain account, wherein should be expressed what quantity of tobacco belongs to every man and where it lies.

And to the intent that man may rest secured that their goods should not be purloined nor embezzled by any means, it was conceived fit that for every room or warehouse there should be three several locks and keys, whereof the Director or Deputy should have one, the husband another and the thirds should be entrusted to some of the committees, so that it should not be in the power, but with the knowledge and consent of the Director, Deputy and committees, and when he did go it should not be but in the presence and company of two of the committees at least, and that neither curing, sorting, shewing nor selling should be at any time by fewer than two of the committees at least, together with the husband; and altho' this course would cost the committees both much time and labour, yet it was thought requisite to be done for the full securing of men's minds, for in regard the commodity doth, in its own nature, much wast and diminish by long lying, if the means of embezeling were not in some extraordinary manner prevented and debarred, suspicious minds and evil affected would take occasion (as sometimes heretofore hath been seen) to impute the loss which came by drying to the falshood of them under whose custody it was.

But this course, as it would take away all means of doing wrong, so it would take away all scruples and fears out of men's minds.

This point being related thus by Mr. Deputy, divers of the Company spake in approbation of the course prescribed, but no man making any objection against it, only divers required that if it were possible the storehouses and warehouses might be all

in the Companies' house, at least as near it as possible could be, and Mr. Roberts desired that the Virginia and Somer Islands Company tobacco should be kept in several rooms. It was also demanded by some how the husband should do when occasion should require that the tobacco should be shewed in several warehouses, to which it was answered that he should have under him an inferior warehouse keeper, and there were occasion to be in many warehouses at once he might depute others in his place who should be paid, but without two Committees no man should meddle with any goods.

In the end the court desired his Lordship to put it to the question whether this course propounded by the Committees did satisfy the Companies in the point of safekeeping their goods, and whether they would rest satisfied with the security, and so order that this course propounded should be held, it was by a general erection of hands agreed (only one dissenting) that that course was good, and should therefore accordingly be held and observed.

It being past five of the clock, the Earl of Southampton propounded the continuance of the court, which by erection of hands was confirmed.

The Lord Cavendish also taking the chair propounded the continuance of the Somer Islands court so long after 6 o'clock as their should be occasion.

The goods being thus agreed to be sufficiently safe, the next point Mr. Deputy said that came into consideration was the securing of the moneys that should come into the Treasurer's hands, that the Company might thereby rest satisfied that they should not suffer damage neither by loss of the moneys itself nor the Treasurer's employing it to other uses.

And first they considered of that course which was estimated by some, both publicly and privately (viz.), the taking of great bonds and sureties for the Treasurer's making good whatsoever moneys should come to his hands, but considering that the stock was too great for almost any man to find sureties able to answer such a sum, and that in far greater stocks of other Companies that was not required, they did not conceive it fit to demand that kind of security of the Treasurer, especially considering the small fee for so great pains and charge that he was to undertake, for although there was £400 allotted unto the

present officer under the name of Treasurer, yet it was not only for the service which he should undertake and perform in that office, yet in regard of the place of Deputy, which he was also to execute, which if had been alone would, in their judgment, have deserved £300; wherefore if they did not think it reasonable to demand such conditions as perhaps were impossible, certainly very difficult to be performed, and so much the rather because the King having interest in the business men would be wonderfully shy of entering into bond in such cases.

Wherefore they thought it better for the present and for hereafter to turn their thoughts to the settling of such a course and form as might prevent that no damage could happen, rather than how it should be repaired after the loss came, which the way of bonds and suretiships only implyed, and did not always prove so effectual as it seemed to carry, shew by reason that many casualties might happen, and many courses might be taken, whereby the security would be frustrated; whereafter, upon mature deliberation, they fell upon this course following: First, that there should be a safe and a strong room chosen in the Company's house for the keeping of the moneys that shall be received, and strong iron chests provided to put the money in, and that both the chests and room should be under three locks and keys, whereof one should be in the keeping of the Treasurer of the Virginia Company, one other in the keeping of the Governor of the Somer Islands Company, and the third the Treasurer for this contract should have, so that the Treasurer should not go into the treasury without the knowledge and consent of the two aforesaid Governors, nor otherwise than with them, or at least some person of worth and sufficiency deputed by them; for in regard that it cannot be that such noble personages should have leisure so often as need might require to be personally present, it was therefore thought fit that the Treasurer of Virginia might leave his key with one of the Council, and the Governor of the Somer Islands with some of the assistants, so that by this means it was conceived that the money, after it was brought into the treasury, would be better and safer secured than by any bonds or suretiships whatsoever.

As for the bringing of moneys in, and that the Treasurer should not be at any one time possessed of any great sum, it was thought fit that once every week the Director or committees, or

some of them, together with the aforesaid Governors or their substitutes, should take account of the Treasurer what moneys had been that week received, and should cause the same to be immediately carried into the treasury under the custody afore prescribed.

And in case the payments should come in in great abundance, the same course might be held twice or oftener in the same week, so that by this means the Treasurer should never be possessed at any one time of any greater sum than himself should be adjudged sufficient security therefor.

And further, to the intent that the Treasurer should not be able, by any order or turning, to detain to his own private use any moneys that he should receive, it was thought fit that, besides his cash book (which, upon demand, he should always bring out to the aforesaid officers), there should be kept a book, in a plain and orderly manner, expressing what goods are sold for ready money, and when upon time to whom and when it falls out due, which book shall lye open to the view and perusal, not only of the officers but of any brother of the Company, by which means it is conceived that not only all fraud in the Treasurer will be prevented, but also many other good effects will follow, for thereby the committees (to whom the sale of the goods is referred) shall be sure to have good information, by the recourse of them that will be desirous to see this book, of the abilities and sufficiency of those with whom they deal.

This point being thus reported by Mr. Deputy, there was a general approbation of the course, many commending it, but not any one objecting against it, whereupon his Lordship was desired to put it to the question, which his Lordship did in this manner: whether they did judge their moneys would be sufficiently secured by this course without further security of bond or suretyship from the Treasurer, and whether they would agree and order that this course should be held on this point; it was, by a general erection of hands (no one dissenting), judged that by this means the moneys would be sufficiently secured, and it was ordered that this course should be held concerning the Treasury.

The things thus established concerning the safe custody of goods and money, Mr. Deputy said thus the next consideration of the Director and committees was concerning the selling and disposing of the goods, which, that it might be done in a just and

equal manner, both for the King and the owners, since not only the tobacco of several men would be of different goodness and worth—even the self-same parcel would perhaps contain tobacco of two or three very different sorts for price and worth—it was therefore, before all other things, absolutely necessary to have every man's parcel reviewed and judged of what condition and goodness it were; and if it were not all alike, that the different sorts should be distinguished and severed, and this difference they said might be reduced to three kinds, best, middle and worst, by which course every man must have a true proceed of his own goods and the full and just price, according to the condition and worth of his tobacco, without either receiving or doing wrong by having his tobacco mingled with others, being of the same goodness and worth as his own is.

As for the true and faithful distinguishing of these several sorts, it was conceived it should be done by men skilful in the nature of tobacco, who should be chosen by the Company in their courts, and have an oath administered unto them, to do it without any manner of partiality either of favour or hatred, and that they should thus sort the tobacco in the presence of the Husband and at least two of the committees, who should keep an exact account how every man's parcel is by these sorters adjudged and esteemed, and taking care that it being once distinguished, it may not again be confounded, shall carry up to the book-keeper the account of each man's tobacco, who shall accordingly enter down in his book how much of every sort belongs to each man, which he shall shew and give a note of to every owner that desires it.

This being thus reported by Mr. Deputy, some made motion that when the sorting was to be performed there should be in the house where the courts are kept a bill set up declaring from day to day whose tobacco should be sorted, to the intent that the owners might themselves be present to see right done them. But this was generally adjudged inconvenient as a thing that would not hinder but cause the doing of much wrong and breed much contention, for every man would strive and perswade that his goods might be made of the best sort. But on the contrary, the court generally thought fit that the Husband and committees should have it given them in charge, that not only any owner should not be present when his goods were to be sorted, but that they should further endeavour as much as they possibly

could to conceal from the sorters all such marks and tokens whereby they might any way guess to whom the tobacco which they sorted belonged, for so certainly not knowing whose goods they were, they would deal indifferently and faithfully, according to their judgments and skill.

It was by some also moved that the sorters might not be buyers, because it was said they might thereby set out good pennyworths for themselves to the prejudice of the stock, but upon debate it was not conceived that any such inconvenience could follow if good care were used. But on the other side it would be an ill leading example to debarr any man from being a buyer that would bid a good price and make good payment.

Mr. Roberts moved that there might be three sorters to every parcel to the intent that if two were of different judgments the matter might be ended by the third. This motion was well liked, both for the reason he alledged, and also because it was thought harder to corrupt three than a lesser number; wherefore, although it would breed more charge yet it was thought good to follow that order.

In the end, there being no more objection made, and the court generally liking well of this course, my Lord, at the request of the court, put it to the question whether they did approve of this course, which Mr. Deputy had reported with Mr. Roberts' addition, it was by a general erection of hands assented unto, and ordered that that course should be held for the sorting of tobacco.

This done, Mr. Deputy said that after these propositions they were now come to the disposing and selling of the tobacco, in which point the profit of the adventurers did mainly consist; which they found to be an action containing many parts and branches, all requiring exact care and consideration, but divers of them could not be well judged of nor resolved on until the thing itself came to execution, when accordingly deliberation was to be taken, wherefore the Director and committee had now only proposed certain general heads tending to equality, justice and to the maintaining of the commodity at a good price.

First, therefore, they conceived that after men's tobacco should be so sorted as before was agreed on, and the book-keeper entered every man's parcel aright, viz: what a quantity of every sort was due unto him, that then men's particular parcels should

not be any longer kept asunder, but put together and mingled respectively one with another, that is, the best with the best, the worst with the worst, and so the middle sort with that of the same kind, which being done the sale should be made of the lump, and so every man should from time to time (as moneys came in) receive their divident, proportionable according to their several of that which was sold; and this they held to be the only equal and fair course whereby every man should alike participate of profit and loss; as for the selling of men's parcels several it was a course so full of just and obvious exceptions as need not be repeated.

This, Mr. Deputy said, was the first and most general way which was propounded, and if it were by all men followed, would certainly best keep up and improve the commodity when it should be fetched, but at one head.

But he said that in regard divers members of this Company had declared themselves not only willing but desirous to take out their own stocks and part, pretending that what price soever the Company shall set they yet shall be able for to sell at a higher rate, in regard the Company selling in gross must always leave a sufficient gain whereby the retailers may live; for the contentment therefore and satisfaction of such men, they conceive it fit to give liberty unto them (defraying all charges and leaving for every third pound of tobacco ready money for his Majesty's use), they might take out their stocks; and way being thus given he said that the doubt and fear that some men had made of suffering wrong by the sorters, either corruption or negligence in not judging and esteeming rightly of their tobacco, was resolved and taken away, for though the sorters should estimate any man's parcel to be of a worse sort than indeed it was, and that his that was of the best sort should be made of the second, and the second the worst, the owner might by their great error make great advantage to himself whilest he should have the King's third at a cheaper rate than indeed it was worth, so that permitting this liberty the sorters could not prejudice any man by undervaluing his commodity; if they overvalued it, it was to the loss of the general living and bulk, but greatly to the advantage of the particular owners, who should thereby receive a better price than truly their goods were worth. These, Mr. Deputy said, were the two general heads which the committees had propounded,

many particularities falling under them they had likewise considered of, but because they were grounded upon some objections and exceptions that might be taken against these courses, he therefore not doubting but that the same scruples and arguments would be now made in court would referr them to their proper places, by which means they would be best understood. And hereupon the Earl of Southampton and the Lord Cavendish desired the Companies that they would freely question, demand and object that by explaining, things might be understood fully, and by debating and disputing the best course might be found and accordingly followed. Hereupon some said that if the tobacco shall at first be high rated, and accordingly men leave the King's part, if they could not sell it after the same rate, or if the Company should after let fall the price, they that took it out should be much damnified.

To which answer was made that this liberty was given only upon that ground that men by taking out should make more and not less; wherefore if a man would take out the tobacco at a certain price, without being sure to make more if he afterwards sold it for less it was his own fault, and therefore must endure the punishment, which they that doubt may do well to leave it in stock with the rest, whereby they might be sure not to loose.

It was further objected that this license being given many men would take out, and upon desire of present money sell the commodity at a far less rate than they took it out, whereby they would bring down the price of all that remained in stock, or at least cause that none of it should be sold till all theirs was vented, and the example of the East India Company was put, where men take out pepper and other commodities at a high rate, and presently, to have ready money, sell them much under.

Mr. Deputy made answer that these objection had been made in the Committee, and likewise further, which he thought first that it might seem against the contract, whereby it is agreed with his Majesty that there should be a sole sale of the tobacco, which seems not to agree with the dividing and parting it into so many hands as this course would cause; but for that he said it was understood that the sole sale was only so far intended as to bring the commodity to a reasonable high price, which was conceived to be sufficiently done by taking a good price for every third pound, whereby men were tied not to sell under unless they

would do it to their loss, which is not to be supposed in men that live by trading and the advantage of gain between buying and selling. As for the instance of the East India Company it was very different from this—first, men did not indeed sell so much underfoot as it seemed, for the prices which they took the commodities out at was not the price of ready money but the price of a very long time, whereby although they sold a great deal under that, yet they made near upon as good reckoning as if they rid out the time; besides, he said that men there took out their stocks without any further charge, but here was a great deal of ready money to be laid down, hereby men would be wary what they did, and would not over fondly pull loss upon themselves with the disbursing of so much money as might be otherwise well employed, certainly the able adventurer, the rich planter would not do it, but would rather have patience to expect a good account with others than with so many inconveniencies in damage himself.

As for the thriftless and riotous person he would be hardly able to find out so much money, howsoever there would not be so many of these as should so much hurt the stock, for their disorder could not be general, but only reach to some particular places, and that for a very short while.

Further, Mr. Hackett said that he did not see that any prevention could be made against such spendthrifts and bankruptcy-minded men, for so they must in the end prove, that would take out at very high rates and sell at very low to get ready money, for if their stocks might not be delivered them as their own, yet they could not be debarred from buying, whereby the same inconveniences would follow.

In the end, after much dispute about this point, the arguments on both sides being found to be very weighty, the further consideration of them was referred until the next court.

For the relief of the planters, upon which ground so many had undertaken to turn all topsy turvy, Mr. Deputy said that if the Director and Committees having considered seriously of the matter did not find that there was like to be either that great number of them as if necessity should force them to sell underfoot, there would follow any great endammagement unto the stock, for he said that the greatest part of the planters that use to send home goods were very able men, and for those poor

planters that do come home, it had been observed that the most of them going up and down with their tobacco amongst their friends did, by one means or other, sell it at far greater rates than the Company were likely to sell theirs.

As for the rest of the poor planters, whose either ill husbandry, necessity or want of judgment might cause them to sell much under the worth the number would be but few, and the quantity of their goods but small, so that the main stock would not thereby be much prejudiced although they took their parts out and sold them never so much under; but for the remedying thereof, and much more for the relieving of those persons, the Director and Committees propounded that after all diligencies used by the planter himself for the best sale of his tobacco, wherein to their uttermost they would give all good help if they could not come to some reasonable price, the parcels should be brought into court and sold by the candle, whereby it was not doubted but he should come very near to the just price, especially considering that such kind of men's goods could be but small quantities, which would be every man's money.

These propositions were liked, and the further consideration of them referred likewise to the next court. Sir Edwin Sandys acquainted the court that the Lord Cavendish, himself, and some others having had conference with the Lord Treasurer, his Lordship told them that direction should be given to Mr. Attorney for the present drawing up of the patent, and that his letters should be also forthwith dispatcht to all the ports in regard the proclamation could not as yet come forth.

At an extraordinary court held for Virginia and the Somer Islands the 22d of February, 1622, the Earl of Southampton signified that he had received a letter from the Lord Treasurer, who, upon complaint made by some members of the Company, was desirous before things were further proceeded in to receive satisfaction concerning these points they had complained unto him of. But, in the meanwhile, till the Lord Treasurer appoint a meeting, his Lordship said he thought fit to acquaint the court thereof, and to take into review and consideration the several points concluded on by the last court touching the manner of managing the contract, which his Lordship said he conceived to be the business whereupon the complaints were chiefly grounded. Whereupon his Lordship willed to read the court held the 19th

of this present month, all the particular points whereof were again severally debated and disputed as they were read, and all of them confirmed and ratified by the judgment of this present court, except the last point, viz: that it should be lawful for every particular man to take out his tobacco, leaving for every third pound the full value which it should be rated at for his Majesty's use; this course was, by plurality of voices, adjudged to be likely to bring down the price of the commodity; in regard that men would, to have ready money, sell under that rate which they had taken it out, whereupon it was, by the erection of hands, ordered that the tobacco should be sold all in bulk, and if any man would have his own he should buy it out of the lump, yet withall it was agreed and ordered that if in this way the tobacco did not sell in that quantity as was expected, but it should be found that the tobacconists and retaylers should combine together to the prejudice of the stock, that then, after three months for the venting of this commodity, the former course should be held.

At an extraordinary court held the 24th of February, 1622, the court held on Wednesday the 12th of February was read now; which done, after a good pause, the Earl of Southampton said that as he was heretofore slow in putting things to the question, so now he would be much slower, because it had been reported to the Lord Treasurer that the Company were overawed and durst not speak, which, whether it were true or no, themselves could witness, which report the whole court utterly witnessed to be false and scandalous, professing that they enjoyed as much freedom and liberty of speech as they could desire; the said court of the 12th of February, was, by a general erection of hands, no one dissenting, confirmed to be truly set down.

Sir Edwin Sandys, at the request of the Earl of Southampton, did now make report what passed in the morning before the Lord Treasurer, where he said were present the Governors and Deputies of both Companies, also Sir John Davers, himself, and some others, and on the other part were these following, namely:

| | |
|---|---|
| The Earl of Warwick, | Mr. Wrote, |
| Sir Nathaniel Rich, | Mr. Bing, |
| Mr. Alderman Johnson, | Mr. Woodall, |

Mr. Canninge, with

some others, as also Sir John Wolstenholme and other the cus-

tomers that seemed to assist them, all of them directly impugning the contract, as conceiving it to be very prejudicial to the plantations; much speech passed, which the Lord Treasurer heard with a great deal of patience, interrupting no man; in the end one of the customers made a proposition to his Lordship that seeing there was so much difference and fraction between the Companies by reason of the contract, it might no longer hold, but the Companies be bound to bring in all their tobacco and pay the 12d. custom upon the pound, which would be more contentful to the planters and more beneficial to the King, for it was supposed within two or three years there will be brought in yearly 400,000 weight from both the plantations, which at 12d. ℔ pound came to £20,000, and in case a fourth part of this was abated and so the payment brought to 8d., it would amount to 20,000 marks, which, with £6,000 that would be given for bringing in of Spanish tobacco, would make up the former sum of £20,000.

Whereunto answer was then made that this 12d. per pound was as hard a bargain for the planter as the other; which was shewed first by instance of the small profit that Sir George Yeardley made of his tobacco; secondly, by the small proceed of the magazine now returned, which of £7,000 stock had scarce produced £4,000 of their principal after * * years forbearance. He added also a third instance out of his own experience of his Somer Islands tobacco, in the sale whereof he could hardly clear 6d. ℔ pound, notwithstanding he then paid neither custom nor imposition for it.

At length the opposers presented unto the Lord Treasurer certain articles, containing partly propositions partly exceptions, whereunto his Lordship required answer. In all which passage, Sir Edwin Sandys said he was sorry to hear so much by speech and that it was so confidently averred, especially by Mr. Wrote and Mr. Bing, that the Companies, in the carriage of the business, were so overawed by the Earl of Southampton with a kind of threatning, that unless the contract went on the plantations would be taken away from them.

Sir Edwin Sandys further added that the Lord Treasurer intimated that seeing the Companies have received so much grace and favour of the King by lotteries and other means for advancement of the plantation, he held it most unfit they should carry

their commodities any other where than into his Majesty's dominions, and therefore concluded that whether contract or no contract, all must be brought into the kingdom to pay custom, whereby his Majesty's revenue might be advanced, which proposition the opposers did well like of, and said that they evermore delivered that all might be brought in; and Mr. Wrote said that the colony in Virginia had sent a petition to be exhibited to his Majesty to that purpose, but the same was never presented to the King, but concealed and suppressed by Mr. Deputy.

Touching which the Earl of Southampton said it appears as well by the petition itself as by a letter from the colony at that time unto the Council here, that the colony did mean nothing less than was pretended, and that the scope of their petition was only to obtain liberty to bring in their tobaccos into England, whereof they were at that time utterly debarred. The Earl of Southampton also signified unto the court that the Lord Treasurer, at their coming away, being asked whether they should proceed in this business or no, said they might go on notwithstanding these differences and oppositions.

Accordingly his Lordship said they would now proceed, and thereupon began to propound to the consideration of the Company that seeing this contract did equally concern both Companies, they were first to consider how to advance the price of the tobacco that should come from both the plantations to the most profit and advantage as well of the adventurers as planters of both the Companies, which the Committee having duly considered of, conceived it could no way be done unless both Companies did join and agree together about setting the price of the tobacco; which point being taken into consideration, some were of opinion it were most fit that each Company should set the price of their own tobacco, whereunto answer was made that by that course there might fall out a very great unequality in setting the price thereof, for in case two ships should come together, the one from Virginia the other from the Somer Islands, if the one Company should set theirs at 5s. and the others at 4s., by this means the one would sell off all their tobacco (being lower priced) before the other should be able to put off any at all.

Whereupon, after mature deliberation, it was at length put to the question whether, upon the coming home of any tobacco from Virginia or the Somer Islands, the Company did not think fit

that after the Committee have considered of a price, both Companies be called and assembled together (and not one alone) to set the price thereof; this, by a general erection of hands, was agreed and ordered, no one dissenting.

It was likewise propounded that in case the Companies cannot agree in setting the price, and that they both differ also from the price set by the committees, as for example, if one set at 6s. ℔ lb. and the other at 5s., that in such case the medium, which is 5s. 6d., be set. This proposition was well approved, and being put to the question, it was, by a general erection of hands, agreed and ordered that in such cases the medium should be taken.

It was further propounded that in case one Company agree with the committee in setting the price, and the other Company shall think fit to sett a higher price, and also shall offer to take it off at that higher price, that then they may have it; otherwise the price set by the committees and the other Company to stand. This proposition was well approved of, and, by erection of hands, generally agreed and ordered accordingly.

Lastly, it was propounded that in regard the contract doth equally concern both Companies, and that there is a necessity of uniting them together in their proceedings touching the contract, that no act or business be done touching the same but by the consent of both Companies assembled together; so that what shall be ordered in one court may again be propounded and ordered in the other, which proposition was also well approved of and ordered accordingly.

At a court held for Virginia and the Somer Islands on the 5th of March, 1622, Mr. Deputy, observing divers strangers to be in the court, not free of the Company as he conceived, desired that they would depart the court, but some said that they were planters that come lately from the Somer Islands, and therefore thought fit (there being also a court for the Somer Islands warned) that they might likewise be present. But it was answered that there was the last year a law made whereby that was forbidden, and it was likewise testified that for these two last years the Company had thought fit to deny leave to such planters as were not freeholders to set in court, and that thereupon they had been oftentimes excluded. Whereupon they were now entreated to depart the court.

After which the Lord Cavendish said there was a message sent

upon Saturday last from the Lords of his Majesty's Privy Council to warn himself and such others as he would bring with him on the one side, and the Earl of Warwick or Sir Nathaniel Rich and such others as they would bring with them on the other, partie for the Somer Islands Company; and for the Virginia, Sir Edwin Sandys and Mr. Ferrars and such others as they would bring with them on the one part, and on the other part Sir Thomas Smith and Mr. Alderman Johnson and such others as they would bring with them, to attend the Lords on Tuesday morning, concerning the settlings of the business of tobacco, which his Lordship said they did accordingly, being accompanied with my Lord St. John, the Lord Padgett, Sir Edward Sackvill, Sir John Brooke, Sir John Davers, Sir Robert Killegrew and divers others of the Company, where there mett likewise divers particular men of the Company, upon whose complaint against the contract the Lord Treasurer signified this meeting was appointed. Whereupon the Lord Cavendish said he made protestation that the contract having been often and most orderly concluded in divers quarter-courts, himself and the rest of the Company attending him did not now come to give those members of the Company that opposed it any satisfaction, for being, not only as the lesser part involved in the general agreement, but most of them having actually given their consents unto the concluding of the contract, it were to the prejudice of all good government to treat with them further thereabout. But if their Lordships, upon any sinister information given them, had conceived any doubts, himself and the rest were ready to give an account to their Lordships of all their proceedings and such as they were assured should in every particular satisfy them.

Whereupon their Lordships requiring some of the complainants to make known their grievances, Mr. Bing stepped forth and made a long invective against the contract and the manner used in passing it, wherein he said men were overawed by threatening words, that if they yielded not thereto that they should do worse, that they must quit the plantations. That the Earl of Southampton finding an unwillingness in the Companies to yield to so hard a bargain, set him down in his chair, pulling his hat over his eyes, and folding his arms across and leaning backwards in his chair as if all were lost, which kind of behaviour and former words frighted the Company to yield to the bargain, it

being concealed from them (which now their Lordships signified) that this contract was offered by the Lord Treasurer in his Majesty's name as from his especial grace to the advancement of the plantations; and further, Mr. Bing said that the Earl of Southampton did not only say that he would be Mr. Wrote's accuser, and that whilst he was in the Company there would be no peace nor quiet, but that he did make it his suit to the Company to put him out; and these things among many others his Lordship said Mr. Bing did not only deliver but act, and that in such a manner as was distasteful unto the Lords of the Privy Council; whereupon Mr. Bing was by their Lordships rebuked for his behaviour and words; and his Lordship said he could not forbear desiring justice of the Board against him for having so wronged and abused the Earl of Southampton, being a peer of the Realm and a member of that Board, not only now in their Lordship's presence, but also otherwhere having said, as by two sufficient witnesses would be there proved, that if he had been as Mr. Wrote, when my Lord of Southampton by order of the Council for Virginia suspended, he would have told him his Lordship should not suspend him from the Council of Virginia, being a suspended Lord from the Council of State; which speech Mr. Bing denied, desiring that point might be deferred till the return of my Lord of Warwick and Mr. Wrote, who were now with the King. His Lordship said the Lords of the Council seemed much offended with Mr. Bing, and said they would not let it pass, but consider of it by itself. But for the main business out of Mr. Bing's speech, the Lord Treasurer propounded these points to be insisted on: first, whether the Company were overruled; secondly, whether this contract was for the good of the plantation; and lastly, that if this present contract were not good for the plantation how it might be made good.

For the first point of overawing, his Lordship said that divers others affirmed as Mr. Bing had done, whereupon, by himself and Sir Edward Sackville, they were much pressed to deliver words wherewith they were (as they said) threatened and affrighted; whereupon Mr. Gibbs said, they were told if they did not yield to this bargain they must do worse, they must quit the plantation; whereupon the Lord Cavendish said there was by himself and others made answer that if those words were spoken it was declared and explained what the meaning of them

were; that if the Companies did not accept of this bargain of the sole importation (now it was offered them) it would be undertaken by others, which would be much worse for them as they had found by experience, and perhaps their tobacco thereby would be brought down so as they would not be able to live, and so the plantations might be quitted; but as for intending thereby his Majesty's displeasure to the Companies (if they refused this bargain) or that otherwise the plantations would be taken from them as these oppugners weu'd now pretend, it was answered that it was most false, the contract having been from the very beginning to the end propounded to the Companies as a thing offered by his Majesty meerly out of his grace and favour towards the plantations, and by the Lord Treasurer out of his especial love and respect to the plantations. In which regard his Lordship refused other greater offers for matter of profit, and in this manner was the proposing of the contract expressed and set down in the court-books there presented to be shewn. The debating and clearing of this point, his Lordship said, held all the forenoon.

In the afternoon the second point propounded by the Lord Treasurer was considered, viz: how good or evil this contract was for the plantations; whereupon Sir Nathaniel Rich instanced his case that having sent £120 of commodities this year he should lose it all except a very little if this contract proceeded according to the account that he made. But his Lordship said that it was by Sir Edwin Sandys and others answered that this contract was not concluded by the Companies nor by them propounded simply as a good bargain, but comparatively as a better than that estate they were formerly in, which by many instances was proved not only of particular men's cases, but principally of the great magazine wherein men had lost after six years' time near half of their capitals, and that in Sir Nathaniel Rich's account there was a main error in the very ground in rating tobacco at 2s., 6d. a pound, at which price the greatest part of tobacco come home these last three or four years had not been sold.

And this point, his Lordship said, after long debate and dispute, was so well cleared as he supposed the Lords of the Council were fully satisfied with the reasons given on the Company's part, viz: that by this contract the Companies were not set in a worse case than they were formerly. In the end his Lordship

said they were willed to go out, and after a good while himself and Sir Edwin Sandys and the Deputy of the Virginia Company were called in again, where they were by Lord President told that it was not their Lordships' pleasure to speak now of the contract, but of a post-act (vizt.), the sending of some ships from the plantations to Holland, which his Lordship made answer was none of the Company's act, but of particular adventurers to whom the ships and goods belonged. Their Lordships seemed much offended thereat, and willed his Lordship to signify and declare it to the Companies that it was the pleasure and command of the board that the tobacco and all other commodities belonging to those plantations should be brought directly home for England.

Mr. Deputy said that the Lord President told them further concerning the contract (speaking to the Lord Cavendish) that his Lordship and the rest had given a good account unto the board, both of the reasons they had in concluding this contract as also of the fair proceeding and carriage in the passing of it, whereof they would give his Majesty advertisement, and doubted not but that the Companies should have either their contract confirmed unto them accordingly as themselves had agreed and ordered, or else some other bargain as much to their contract.

His Lordship having briefly declared the report, Mr. Gibbs conceiving that the Lord Cavendish had said that he was one of them that had said at Council table that he was overawed, desired if the Secretary had set it down so it might be altered and amended, for he said he denied at Council table he was overawed, but had indeed alledged those former words, which he left to the judgment of the Board what sense they may carry.

Mr. Bing said that the overawing that he spake of he did not mean it of *metus potentiæ* but of *metus reverentiæ*.

Mr. Deputy said that as he conceived there had three things of special observance and note passed at Council table that day, two points whereof were matter of great joy to himself, and he doubted not were likewise of singular comfort to the Company.

First, a most honourable testimony given by the Lord Treasurer of the good carriage and proceedings of the plantations these last four years; so, as his Lordship said, they had thereby thriven and prospered beyond belief and almost miraculously.

The Lord Cavendish said that the Lord Treasurer added fur-

ther, that in the former years when Alderman Johnson was Deputy, and the business was in other men's hands, it was carried lewdly, so that if they should be called to an account for it their estates could not answer it.

Secondly, the good satisfaction that their Lordships had received and rested possessed with concerning the Companies' proceedings in this business of the contract. But the third point he said required matter of exact consideration, viz: their Lordships' command to bring in all their tobacco and other commodities. To which proposition of their Lordships, it having made unto the Companies about a year and a half ago, the Companies had then presented unto their Lordships divers reasons declaring the impossibility that was for the Companies to perform this, as also the extream prejudice that would thereby arise unto the plantations, which was so great as, by a second remonstrance to their Lordships, the courts then assembled made humble protestation that out of their duty to God and his Majesty they could not give their consent thereto; and hereupon he said he conceived that their Lordships had rested satisfied and contented, but now they seemed resolute to require it, which he doubted was through the motions and offers of some brothers of the Company who, out of opposition to the contract, did propose this new way, and it was informed by some of them the Lord Treasurer that the whole Company of Virginia had made petition purposely to that effect, offering to bring in all their tobacco, and that the petition had been by himself and some others concealed, which, how true it was, would appear by the petition itself and the Council's letters, which Mr. Deputy produced and were read, being as followeth:

*To the Right Honourable the Earl of Southampton and other, the Lords of the * * ; to the Right Worshipful the Knights and the rest of the Council and Company for Virginia:*

*Right Hon'ble:*

The people here, having taken notice of his Majesty's late proclamation against the importation of tobacco into England, have offered unto us the petition herewithal sent, desiring us to be a means so to commend it unto you as that it may be presented unto his Majesty and his gracious answer thereunto obtained, which their desires, together with our own, we do hereby offer

unto you, humbly entreating it may be delivered in as humble and effectual manner as may be, seeing the life of the plantation dependeth upon the welfare of it; and so we leave you and the success thereof to the blessing of the Almighty, and rest most humbly at your command.

| | |
|---|---|
| GEORGE YEARDLEY, | GEORGE THORPE, |
| THO. NUCE, | NATH'L POWLE, |
| JO. ROLF, | SAM. MACOCK, |
| JO. POUNTIS, | JO. PORY, Secretary. |

This copy exactly agreeth with the original sent for England in the Temperance.

JO. PORY, Secretary.

*To the King's most excellent Majesty:*

The humble petition of the distressed colony in Virginia, shewing that, whereas it pleased your Majesty, now many years since, out of your religious desire to spread the Gospel of Christ and princely ambition to enlarge your own dominions, to give encouragement to us, your Majesty's poor subjects, by many goodly privileges and liberties under your Majesty's great seal of England, than which we could account no earthly king more firm to adventure our lives and fortunes hither for those interests, in which enterprize, to tell how great things many of us have suffered through hunger alone would be as incredible as horrible to report to your sacred ears, which difficulties we, by the power of God, having in some sort overcome and brought ourselves to some ability of sustenance without any other help from England, but only by the course of merchandize, are now like to be returned to the same or worse difficulties by the sinister practices of some principal persons of our Company at home, who pretend your Majesty's profit but intend their own; more have gone about to blow us up with a proclamation which they have procured from your Majesty—as we hope, upon some false grounds—prohibiting our importation of tobacco, the only commodity which we have had hitherto means to raise towards the apparelling of our bodies and other needful supplements, other things of more real value and constant sale requiring more time in the growth than our necessities would allow, and more help to practise than we, till of late, have been furnished withall, by which course we are plunged in so great extremities that now remaineth neither help nor hope,

but that we must all here perish for want of cloathing and other necessaries, such as both our nature sometimes and breeding may require, whereby your Majesty shall not only lose so many good and loyal subjects, as have hither adventured their lives and fortunes in God's service and your Majesty's, but with them the hope of a territory as large and as opulent to be made as any of those kingdoms you now possess.

May it therefore please your Majesty, out of your princely compassion, since we are assured that you tender the lives and welfare of your subjects beyond thousands of gold and silver, and your royal word ratified by your great seal far above both, either to revoke the proclamation and so restore us to our ancient liberty, or otherwise to send for us all home and not suffer the heathen to triumph over us and say where is now their God ; so shall we all, as we are ready in duty bound, pray for your Majesty's long life and happy reign.

Whereby it appeared plainly there was no shaddow nor colour to gather such a sense as was informed to the Lord Treasurer. It being only intended for the obtaining relief against that absolute restraint of bringing in any which, by the proclamation procured by Sir Thomas Roe, they were utterly barred of. But before this petition was received, the Parliament's coming there was liberty given to the plantation to bring in their tobacco ; whereupon the grace that they desired being obtained from his Majesty, it would have been in vain to have delivered their petition.

Sir Edwin Sandys said that, observing the colony's last conclusion of their petition, he saw very good grounds for the usage of those words of quitting the plantations if they were used (which yet he said he remembered not), for, except the Companies did themselves accept of the contract for sole importation, it was likely to have been given unto others who made offer of so exceeding and large a revenue to his Majesty as could not possibly be by them raised but with exceeding much prejudice to the plantation which they had brought to those terms as this petition now declared, which was to a direct resolution of quitting the plantation, so that it might be very justly said that if the Companies did not themselves undertake the sole importation it would be worse for them, and in this sense and no otherwise could that

word be used without strong and most absurd contradiction, for that they should be intended to signify or intimate the fear of the King's displeasure or indignation, or the Lord Treasurer's, or any other's intent to take away the plantations, as is now made to be suspected and conceived, could not possibly stand in reason and sence with those continual prefaces and introductions which were propounded and used at all times in this business (viz.): That it was offered on his Majesty's part out of his meer grace and royal intentions for the good of the plantations, and from the Lord Treasurer out of an especial love and favour to the plantation, as being himself one of the most ancient adventurers and councillors, and therefore exceedingly affecting the prosperity and increase of the plantations, so as it might stand with the maintenance of his Majesty's revenues, although with some abatement of that which was offered by others who would not perhaps have that tender respect unto the plantations as his Lordship desired; which manner of propounding the business being fresh in their memories and so set down in their court-books, he said he did appeal unto the judgment of the court then present whether there could be drawn any such sense from the words "doing worse and quitting the plantations," as is now pretended was conceived, as for the word (necessitated) which was at the council table alledged to have been spoken by a principal member of this Company in private, he said it was to be understood not of necessity of force but of necessity of reason, whereby men were willing, for the bettering of their former estate and for the preventing of a worse, which they might justly fear, to accept of that condition which in itself was hard, but in comparison of their former estate was easier.

Mr. Gibbs said he never heard of this distinction before, and marvelled it was not used before the Lords, and said he was assured there were 40 in the court who understood them otherwise.

But it was answered that these answers and interpretations were made at Council table by many, and Mr. Deputy moved that the clearing of this point might be presently put unto the judgment of the court, saying that he was very confident that there would be found either not any at all or exceedingly few of that opinion.

Which motion divers of this court approved, but some few

REESE LIBRARY OF THE UNIVERSITY

opposed, saying that since the court seemed generally to understand them otherwise, and the Lords of the Council had declared otherwise, and the * * on that point that therefore it was needless. It was also desired by them that it might be forborn for the maintaining of peace, but it was replied by the Lord Cavendish that this was the way to make true peace by settling and determining the points in controversy; wherefore, after a long debate and opposition made by some few the court often and earnestly called on Mr. Deputy to put it to the question; whereupon he said that he would first put to the question whether it should be put to the question or no, which the court well liked, and it was by a general erection of hands ordered and agreed that matter should be put to the question.

But it being past five of the clock, it was desired that the continuance of the court might be so long until businesses were despatched, which was accordingly ordered.

The continuance likewise of the Somer Islands court upon the Lord Cavendish's proposition was by a general erection of hands ordered.

Which being done, and divers of those that had opposed it departing out of the court, the matter was again considered of, and it was desired, for the fuller understanding and clearing of the matter, that the question might be set down in writing, which was accordingly done, on two questions which were as followeth:

First, it was put to the question whether, in passing the contract between his Majesty and the two Companies for Virginia and the Somer Islands for the sole importation of tobacco, there had been ever any overawing of any man by my Lord of Southampton or my Lord Cavendish, or any other, by any personal speech or carriage or by using any words of power either as in his Majesty's name or the Lord Treasurer's or the Lords of the Council. It was by a general erection of hands (no one dissenting) that there had ever been any manner of overawing of any man in passing the said contract.

Secondly, it was put to the question whether the matter hath not been carried fairly, and by strength of reason only appearing to the courts and not otherwise. It was by a general erection of hands (no one dissenting) unanimously confessed and approved to have been fairly carried, and by strength of reason only and not otherwise.

Sir Edwin Sandys having desired (as he had done often before) that they might proceed to the main business of importation of tobacco, delivered that after long arguing at the Council Board by the opposite party against the intended contract, it pleased the Lord President, with great gravity and wisdom, to move, that seeing they disliked so much of this contract they would propose some other course for the managing of the importation and sale of tobacco, whereby the matter might be so settled as to give more general content, still preserving a due regard to those two main ends, namely: the upholding of his Majesty's profit, together with the benefit of the plantations.

Whereupon Mr. Edwards proposed to the Lords that seeing by their letters-patents they were only to pay five ℔ centum to the King for custom without any other taxes or imposition, which five ℔ ct. would not amount to above 3d. ℔ pound for tobacco, notwithstanding in regard of his Majesty's favour that the Companies and plantations might have the sole importation of tobacco, they would double that 3d. and give his Majesty 6d. for every pound of tobacco, which he hoped his Majesty would be graciously pleased to accept, seeing the commodity could bear no greater burden with the welfare of the plantation.

This proposition being passed over as being of no profit to his Majesty.

Sir John Wolstenholme stood forth (and as well appeared) out of premeditated thoughts made a larger proposition, consisting of three parts, which being seconded again and again by another gentleman, one of the customers, he conceived it to proceed from their agreed resolution, and therefore as being a proposition grounded upon consultation and advice, and maturely concoct by men of understanding, he would with the favour of the court examine it in its several parts, and so deliver his opinion of the virtue and goodness of it. He said it consisted of three branches:

The first, that touching the importation of tobacco there should be a general freedom, so that every man without restraint might bring in what he pleased, and after it was brought in every man might be master of his own goods, which he thought would be a thing of generally tent to all men.

The second branch was that that the Companies and plantations should pay here only 12d. the pound of tobacco for custom

and imposition, and be discharged of these extraordinary burdens of officers, salaries and other charges.

The third branch that the Companies and colonies should be commanded to bring all their tobacco and other commodities into this realm, being a matter very fitting for divers weighty considerations.

This being the proposition, and these the branches of it, he said he would offer to their considerations divers reasons against them, thereby to draw from other men what contrarywise might be said in their defence and maintenance, that so by conflict of reasons on both sides the truth might better appear, and consequently the soundness or unsoundness of the proposition.

He said that to the first branch there offered themselves (as he thought to every man's understanding) three main exceptions. The first, that by this unrestrained liberty of bringing in tobacco from all places, as well from Spain as from the two plantations, there would grow here such a general glut of that commodity as would bring down the price to so low a proportion as would discourage the adventurers and quite undo the poor planters, the same being contrary to the main intent of the contract, which was to raise the price of the commodity to the general benefit of the plantations; secondly, it being averred before their Lordships that the meaner sort of tobacco may be bought for the value of 6d. or 12d. at the most, and on the other side it being alledged by the party opposite to the contract that the tobacco of the plantations could not possibly afforded at less than 2s. and 6d. ℔ pound, it did necessarily follow that the Spanish tobacco would be much cheaper than the plantation's tobacco, and consequently would be first vented (to the extreme detriment if not beggaring of all the poor planters), especially considering the nature of the commodity which could not long be kept without waste or perishing.

A third reason, he said, might be drawn from the wisdom of the late assembly of Parliament, where it being found by evident proof and the Spanish merchants' confession that the importation of Spanish tobacco into this realm had hindered the importation of Spanish money, what by the price of the tobacco itself and what by the underselling of the English commoditys there, for the sudden buying up of the Spanish tobacco to the value of £100,000 sterling by the year, which having so continued so for

10 or twelve years last past, was conceived to be one principal cause of the scarcity of money in this realm; and thereupon the Lower House framed and passed a bill for the banishing of Spanish tobacco and for the sole importation of that commodity from the two plantations; and whereas, also, the now Lord Treasurer, out of his like care and respect to the welfare of this realm, had restrained the contractors in this year last past from bringing of above 60,000 weight of Spanish tobacco, this proposition, setting all at liberty and granting a general freedom of bringing in tobacco from all places, might well be to the advantage of some other nation, but certainly was prejudicial, and that in a high degree, both to the wealth of this kingdom and the subsisting of the plantations.

Touching the second branch of Sir John Wolstenholme's proposition, as it was made at the Council board (for in other places he had made it otherwise), that the Companies and colonies should pay to the use of his Majesty, or the farmers of his custom and imports, 12d. for every pound of tobacco imported, it seemed that it was much more than that commodity could bear if the benefit of the sole importation were taken from them, for if it were true, which the objectors against the contract avouched, that the tobacco in the colonies stood them in 2s., 6d. the pound, there being added thereto this 12d. ℔ pound and 6d. at the least more for freight and other public charges of the plantation, it followed that unless the tobacco were sold, one with the other, at 4s. ℔ pound, the Companies would be losers by it of their principal, whereas contrariwise there seemed no probable appearance that in so great a glut of tobacco, and the meaner sort of Spanish tobacco being so cheap and the commodity being divided into so many hundred of hands, that ever it would be sold at above 12d. or 2s. the pound at the utmost, and this, he said, was confirmed by the experience of sundry later years, wherein our tobacco, one with another, had not been sold at above that proportion; and, altho' the planters could afford their tobacco at 12d. the pound in the plantations, yet it is clear that this charge of 12d. and 6d. more must needs cause that all they that dealt in that commodity should live in a continual loss to their utter consumption, a view whereof might be taken, he said, in the late great magazine, which, being directed into the hands of a wise and prudent director, after six years continuance, by the fall of the

price of this commodity, had brought a stock of £7,000 to less than £4,000, to the great discouragement of all future adventurers.

Now, to the third branch of this proposition, that the Companies and colonies should be commanded to bring in all their tobacco, as likewise all other commodities, first into this realm, from hence to be after vented by trade to other nations, he said he would not enlarge much upon it because he understood that this proposition had been formerly made by the Lords above a year ago, in his absence, and answered by the courts in writing and so exhibited to their Lordships, yet this he would add, that the dealers in this contract with the Lord Treasurer had, at sundry times, acquainted his Lordship that the tobacco of the plantations being, in point of interest, of three several natures, the one part belonging to the bodies of the Companies, another part to divers societies, as Southampton and Martin's Hundreds, a third part to particular planters, which he thought the greatest part, that for the tobacco belonging to the bodies of the Companies it was in the Companies' power to bring it always in, but for the rest the Companies had no power to enforce them, they being as free by his Majesty's original grant as the rest of his subjects inhabiting in this realm.

However, they thought that as by the rigor of the former contractors the planters had been driven to seek foreign parts for their merchandize, so now, by the good usage which they might receive upon this grant of sole importation and sole selling, they might be reduced to come hither again as being their best market; but whereas it hath been alleged by a very honourable person, in way of example, that the colonies of the King of Spain up and down the West Indies brought all that merchandize to Spain and no other place, so said that he thought that there might be some important difference, if the misinformations which he had received from credible persons were true, the State of Spain suffered no other commodities of the same kind to be brought into that kingdom, which was an exceeding great benefit to all his India Colonies, which favour, if it would please his Majesty to vouchsafe to the two plantations, he doubted not but they wou'd gladly yield obedience to this command, and this he hoped was their Lordships' intent out of their favour to the plantations. But now, as the proposition was made by Sir John Wolstenholme

that without any such benefit of sole importation they should be constrained to bring in all their commodities, he doubted that as it tended to the customer's private enrichment, so in a short time it might redound to the ruin of the plantations, for the colony in Virginia had and might have many commodities of small price, as salt, pipe staves, fish, caveary, and the like, which, in other parts, might be vendible at an indifferent price, but here not so, the distance of place and great freight considered, and consequently they were to be exported again out of this kingdom; now considering that within five or six years at the most the King is to have custom of all merchandize in Virginia itself, if those goods should pay a second custom here and afterwards a third custom in foreign parts where they are vented, who can doubt but these three customs, together with freight and other charges, would so feed on the commodity as to leave small sustenance for the adventurer and planter. But, howsoever it should please the Lords to deliver their commands, whether simply with a grace annexed for the sole importation, as in the Spanish dominions, for his part he would always be the son of obedience, and doubted not but the Companies would inform themselves according. However, he thought it the part of well ordered duty both to yield obedience to the superior's command, yet in case of impossibility or publick mischief that might ensue, to give up a true information both of the one and the other.

These reasons being generally approved and confirmed by many in the court, Mr. Rider said he had somewhat to add to that Sir Edwin Sandys had spoken, vizt., that the plantations in the West Indies were founded by the King of Spain out of their own treasury and revenues, and the State of Spain maintained the garrisons there, together with a great many for their use and defence, whereas our plantations were both settled and supported by the charge of private adventurers, save that it was added by another they had help by his Majesty's grace of some collections and lotteries which had been expended merely upon the publick. Whereupon the court, after mature debate and consideration, desired it might be signified to their Lordships that they should be willing, in obedience to their Lordships' command, to give order for bringing in all their commodities from the said plantation for this year as much as in them lay. But whereas divers ships have been set out by private brothers of the Company, and

also some belonging to planters in Virginia, it is not in the Company's power to compel or force them thereunto; and further, the court desired that it might be humbly signified to their Lordships that as they had formerly made remonstrance to their Lordships this causing of all commodities to be brought in would be a means, not only much to prejudice, but utterly to overthrow the plantations, for the reasons which they had formerly presented to their Lordships, and some others now alledged, which the courts desired might be again drawn up and presented to their Lordships.

At a court held on the 7th of March, 1622, the Lord Cavendish acquainted the court with an order he received from the Lords of the Council concerning the bringing in of all their goods and commodities the copy whereof doth here follow, viz:

At Whitehall the 4th of March, 1622, in the afternoon, Present:

| | |
|---|---|
| Lord Treasurer,[10] | Mr. Treasurer, |
| Lord President, | Mr. Comptroller, |
| Lord Marshall, | Mr. Secretary Calvert, |
| Lord Brooke, | Mr. Chancellor of the Exchequer,[11] |
| Lord Chichester, | |

Master of the Rolls.[12]

Whereas, by an order of the Board dated the 24th of October, 1621, it was upon divers weighty and just consideration, upon full hearing of the undertakers of Virginia, ordered that no tobacco or other merchandize be transported out of any of the plantations in Virginia into any foreign parts until the same should be first landed here in England, and his Majesty's customs paid therefore. Their Lordships having been informed

[10] Lionel Cranfield, originally a merchant's clerk, created Baron Cranfield 9th July, 1622, subsequently Earl of Middlesex, was a corrupt man. On the 19th May, 1624, about one month after the charter of the Virginia Company was declared null and void, the House of Commons appointed Sir Edwin Sandys and Nicholas Ferrar to draw up a petition to the King complaining of his bribery and extortion. The result of the investigation, which was pressed by the Duke of Buckingham, led to his being deprived of office, fined £50,000, and committed to the Tower, although the King would not have punished him.

[11] Henry, Viscount Mandeville.

[12] Sir Julius Cæsar, Kn't.

that notwithstanding the said order, there have very lately certain ships laden with tobacco, both from Virginia and the Somer Islands, been conveyed into foreign parts without ever landing here, the board hath thought fit to renew said order, as well for Virginia as the Somer Islands; and withal to enjoyn the Governors, officers and all other particular members of both those Companies who may any way be interested therein to give order, as well to prevent the like fault hereafter as to redeem that already committed by procuring the said ships to return hither, upon those penalties that the refractories and contemners of the authority of the Ba * * may expect; and the Governors and officers of the said Companies are to take notice hereof and to publish it in their courts respectively, and to look that it be executed accordingly.

Examined: W. BEACHER.

Which being read, Mr. Deputy signified that this proposition of bringing in all their commodities was made unto the Virginia Company by their Lordships near about 18 months since; whereupon the Company made an answer containing divers reasons both of the impossibility to perform it and also the great inconvenience which would follow to the plantation in case they should be compelled to bring all their tobacco in hither. But their Lordships further pressing them, they made a second remonstrance to their Lordships, wherein they made an humble protestation that out of their bounden duty to God and his Majesty they might not agree thereunto. Whereupon, having not heard anything more since that time, Mr. Deputy said he conceived their Lordships had rested satisfied with the reasons then presented unto them; that this should be now again by so strict a command revived, he could not conjecture whence it arose, except it were from some of the late opposers of the contract, divers of whom (as is well known) did, in my Lord Treasurer's chamber that their desire was all shou'd be brought in, and it was there also by Mr. Wrote confidently affirmed that it was the desire of the planters in Virginia to bring in all, and that they had to that purpose peticioned to the King, but they said their petition was concealed and never delivered.

Sir Edwin Sandys said that this proposition had heretofore been oftentimes debated in private with my Lord Treasurer, unto

whom the impossibility of bringing all in was apparently shewed in respect the commodities in Virginia had three several sorts of owners, viz: First, the Company; secondly, particular Hundreds belonging to adventurers here; thirdly, private planters there residing, over which two latter sorts the Company had no power at all to restrain them by law, and divers of them having ships of their own, it was not in the Company's power to prevent them to carry their goods whither they please. But yet it was signified unto my Lord Treasurer that such a moderate and fair course might be taken as to induce them all willingly to bring in their commodities, namely: if his Majesty would be so graciously pleased as to afford them the like privileges and favour as the King of Spain doth to his colonies in the West Indies, vizt: that what commodities the plantations shall be able to serve this kingdom with may be prohibited from being brought in from foreign parts, and without such a qualification he said his opinion was the bringing in of all commodities was a proposition extreamly prejudicial to the plantations.

Whereupon the court entered into a serious consideration of this proposition, and having caused the former answer to be distinctly read, and having also weighed and considered of them well, and divers other weighty reasons being newly alledged, after long and mature deliberation it was resolved by the court to present an humble answer to their Lordships declaring the impossibilities and inconveniencies that would accrew unto the plantations by this proposition; whereupon, although it was by some propounded that it might be referred to the preparation of a committee, yet the court thought it unnecessary to loose time in so plain a case, and thereupon Sir Edwin Sandys and Mr. Christopher Brooke were by the court desired, taking both the reasons that had been formerly presented to their Lordships by the Company, together with those that were now newly alledged into their consideration, to draw up a brief answer, which in regard the matter was so well prepared and digested to their hands, was conceived might be done during the setting of the court; whereupon they withdrew themselves, and the court was continued by erection of hands so long as need should require.

Mr. Bing moved for a copy of the petition that was put up against him at the last quarter-court for Virginia, whereunto some replied the court had made no entry thereof, in respect it

had no name thereunto ; but Mr. Bing still earnestly pressing for a copy, the Secretary was willed to fetch the original, which being brought in was read, and demand made whether they would acknowledge the said writing to have been put in by him, but none took it upon himself in particular, but in general the whole court seemed to bear witness to the truth thereof, and in particular one honourable and noble person that had in the quarter-court spake very earnestly against it now said he did it out of love to Mr. Bing, esteeming it so true that if the court had entered into examination thereof they could not have done less than was there required, and divers others openly affirmed that at the quarter-court, when it was first exhibited, they conceived it very true and fit for the court to have proceeded in it, but only there wanted the author's name that should have been subscribed thereunto; wherefore they then rather gave way to let a good thing pass and sleep, than to give a president of such an inconveniance as might arise by taking accusations without knowledge of the authors.

Hereupon it was by divers moved that since Mr. Bing had so much misconstrued and traduced the Company's proceedings on this point as to charge them with injustice and wrong for reading of it, whereas he should have rather acknowledged their moderation and special favour to him in not proceeding thereon, that therefore the ground of the Company's refusal might stand cleared. It was desired it might be put to the question whether the Company did not think the material parts of the said writing to be true, which motion was generally well liked, and so, without any consideration of his demeanour since that time, it being put to the question whether the Companies did conceive that writing at the time it was exhibited in the quarter-court to be in substance and in the material points of it true, for these things alledged against Mr. Bing and Mr. Woodall, it was, by a general erection of hands, only three dissenting, adjudged that the writing was in substance true at the time it was exhibited.

Mr. Bing likewise moved that he might have a copy of that which the Lord Cavendish had reported that he had spoken at the Council table. Whereupon Mr. Deputy put it to the question, and, by a general erection of hands, it was ordered that the Secretary should give him a copy.

Sir Edwin Sandys and Mr. Christopher Brooke brought in an

answer drawn up according to the heads given, which was as followeth :

*The Humble answer of the Companies for Virginia and the Somer Islands to the Right Honourable the Lords and others of His Majesty's most Honourable Privy Council, touching their Lordships' proposition and command for the importing of Tobacco and all other merchandize from the said plantations into England:*

*May it please your Lordships:*

The Companies holding it their dutys to observe your Lordships' command, will proceed accordingly to the best of their powers.

Notwithstanding, in regard some of the impossibilities on their parts to put the same in full and effectual execution, and in regard also of the great detriment which, in their understandings, would redound thereby to the plantations, they hold it also their duties humbly to offer to your Lordships' grave considerations the particulars ensuing :

First. They beseech your Lordships to consider that these Companies, being not as companies of merchants for the managing of trade, but for the transporting and settling of people in these inhabited territories under good government, and consequently for the enlargement of his Majesty's dominions, have no power to dispose of his Majesty's subjects planted in these parts, either for their persons, goods, or possessions, otherwise than as according to his Majesty's letters-patents and the laws of this realm, of which they and their posterities inhabiting in those plantations are by express words made forever free and natural subjects; of some of which letters-patents the very originals, and of other some authentical copies, have been transmitted unto the plantations and are there remaining with them ; so that the power of the Companies cannot extend to the infringing of any liberty or freedom granted by his Majesty to his subjects placed or to be placed in the said plantations.

Secondly. Your Lordships may be pleased to be advertized that the Companies, by express words in this Majesty's letters-patents, are equalled in their priviledges and immunities to any other company or corporation for trade or discovery, and it is

well known that both the Muscovy and sundry other Companies have always enjoyed the liberty of carrying their commodities to the best markets at their pleasures, and have used the same accordingly.

Thirdly. These Companies have granted divers sub-patents with the same liberties and priviledges as they themselves enjoy, whereby the patentees have been enduced to go over in person to those plantations (sundry of them being of noble and worthy families), and to expend some of them great sums and others their whole estates in the said plantations, and it is not now in the Company's power to restrain or revoke their former grants.

And they conceive that the bare attempt thereof would be a great disheartening of all present and future adventurers.

Now, touching the damage and inconveniencies which would ensue from hence to the plantations, they humbly beseech your Lordships to take also into your favourable considerations these other particulars.

Many commodities do now begin and are like to arise in Virginia, which, by reason of the charge of freight, by the greatness of distance, will not be vendible in England at any saving price, as, namely, fish, caveary, pipe-staves, quantities of sasafras, salt and the meaner sort of tobacco, which in foreign parts may yield some reasonable profit, but being brought hither will hardly discharge the customs, for it is to be considered that after 5 or 6 years his Majesty is to have custom for all merchandize in Virginia itself, then to pay here a second custom and afterwards a third in foreign parts, whither these commodities must of necessity be exported, will prove unsupportable and to the great hinderance and decay of the plantations.

Your Lordships may be pleased also to understand that, besides that sundry of the inhabitants there have ships of their own, the ships which carry passengers thither from hence do trade with them also and barter their commodities, most of which ships afterwards proceed on other voyages and return not directly for England, which, if they were forced so to do, they neither would transport thither passengers nor barter commodities.

They have begun a trade from Ireland to Virginia whereby the colony is supplyed from thence with cattle and other necessarys at a much cheaper rate, and they have passed their contracts to repay them in tobacco, which if they shall be compelled to bring

first into England, the trade with Ireland is like to perish in the very beginning, to the exceeding great prejudice of the colony, whose wants we know not how to supply but by these and the like means, our stocks being utterly spent and exhausted.

Lastly, your Lordships may be pleased to be advertized that, by his Majesty's letters-patents, we are expressly restrained from concluding of any thing touching the settling of trade, otherwise than in our four great quarter-courts, to be held in the four terms.

Nevertheless, in the meantime, we shall do our best endeavours for holding of the trade so much as may be to this realm, which we suppose can by no means be so well effected as by the continuance, first, of his Majesty's great grace, and next, of your Lordships' accustomed favour to the plantations.

Which, being deliberately read, the court did, by a general erection of hands, ratify and well approve thereof, and desired the Lord Cavendish, the Lord Padget, and Sir Edward Sackvill to present the same to their Lordships in the name of the Companies.

At a court held on the 19th of March, 1622, the Lord Cavendish acquainted the Company with what had passed the last Tuesday morning before the Lords of the Council, touching Mr. Bing, who, for his sundry misdemeanors and insolent speeches used not only concerning the Earl of Southampton, a member of that board, but also of a higher consequence, was committed to the Marshalseas, and before his delivery from thence is to give the said Earl fitting satisfaction, as may appear by their Lordships' order.

This ended, the Lords having promised to fall into the business of the contract, it was grown so late as their Lordships deferred it till the afternoon, where, the Company being again present, the Lord Treasurer thought fit, because there was but a thin Council (as then), to defer the hearing till the next Fryday morning, but his Lordship said that having moved the Lord Treasurer and Mr. Chancellor of the Exchequer that the opposers against the contract might put their propositions in writing, as the Companys intended to set down theirs, the Lord Treasurer answered that that was not the question, for the King did not in this contract respect his own profit so much as he did the good of the plantations, and therefore, seeing it hath been alledged that the bargain concluded on was but comparatively good, his

Lordship wished if a better way could be found out for the good of the Companies and colony, that might be thought upon and propounded at the next meeting.

To which end his Lordship said he caused this court to be called and warning thereof given to all those that opposed the contract, although he could see but few of them now present; but his Lordship said that, since the Lords had so nobly made profession of their desire and willingness in favor of the plantations to yield to an easier bargain, he thought fit now that the court should enter into a present and serious consideration how that might be accomplished.

Whereupon it was moved that those that have so mainly oppugned the contract would please to acquaint the court (as were fit) what new proposition they had to present as might be of greater ease and benefit unto the Company and colony, to the end it might be now considered of and debated, and, in fine, brought to some resolution what should be fit to move to the Lords, but there was no man, although it were long expected, that offered any new proposition, and divers of the Company declared their opinions to be that the courts should make most use of this noble favour of the Lords, by seeking rather to make the contract lighter in some points than by attempting any new way, which course the whole court generally assented unto.

Sir Edwin Sandys moved them to take the several parts of the contract into consideration, and to re-examine what good or evil each main branch contained, and to confirm that which shall appear to be to the benefit and advantage of the plantations and desire a leviation in that which shall be hard and prejudicial, which manner and order the court exceedingly approved and accordingly proceeded; first, therefore, it was considered and argued whether the sole importation of tobacco, viz: that none should be brought but from the plantations, which Sir Edwin Sandys said was the foundation of the contract, together with the inhibiting the planting thereof in England and Ireland, were absolutely necessary. This proposition of sole importation was, after much debate and examination, found to be so absolutely necessary for the Companies, as thereon depended the very life and subsistence of the plantations. Whereupon, it being put to the question, it was, by a general erection of hands (no one dissenting), agreed unto and adjudged that the sole importation was

absolutely necessary for the maintenance of the plantations, and that no prejudice nor damage could be greater to the plantations than to be deprived thereof.

Secondly, Sir Edwin Sandys propounded to the consideration of the court the covenant of being tied to bring in a certain quantity of Spanish tobacco, which was by divers said to be the hardest part and article in the whole contract, divers estimating it to be to the prejudice of at least £40,000 ℔ annum to the plantations, in regard that whatsoever the Spanish tobacco did arise to was taken away from the plantations; whereupon it was generally desired that the Lords and his Majesty might be petitioned that the Companies might be freed from this condition, yet withall divers of the court professed that since by the contract it was to be but for two years and without the contract it would perhaps be forever, that therefore it might withall be declared unto the Lords that if so be, their Lordships should not think fit for some higher reasons than their courts could conceive, to grant this desire, the Companies did not desire to break the contract, although it were joined with this burden. Whereupon, Sir Edwin Sandys made the proposition that followeth: That whereas, by the contract, they are tyed by covenant to bring in 80,000 weight of Spanish tobacco in the first two or three years, whether they did not think fit it be signified to the Lords of the Council that they do not vary from that agreement, but if it shall please their Lordships to mediate his Majesty so far in favour of the plantations or that the contract may be discharged of that covenant either in whole or in part, they shall take it for an extraordinary favour and be a very great encouragement both to adventurers and planters. This proposition, being likewise well approved, was put to the question, and, by a general erection of hands (no one dissenting), desired the Lords might be earnestly moved to that effect as was proposed.

Thirdly, Sir Edwin Sandys proposed to the consideration of the Company what retribution they would give unto the King in case his Majesty should grant unto them the benefit of sole importation, and discharge the contract of the said covenant of bringing 80,000 weight of Spanish tobacco; for, without a retribution, there was little hope or reason to expect so great a favour of his Majesty. Touching which, he proposed whether it were not fit to desire of his Majesty and their Lordships that they

would please to accept of a fourth part of their tobacco as was at first offered to the Lord Treasurer, and that this retribution might be taken in specie; that is to say in the commodity of tobacco rather than in money. This proposition was well approved of, and being put to the question, it was, by a general erection of hands (no one dissenting), desired it might be so proposed to the Lords.

Fourthly, whereas the customers (as was informed by divers of those that opposed the contract) have offered in favour of the plantations (as is pretended) to make abatement of 3d. custom, whereby they shall only pay 3d. ℔ pound, which the Companies do notwithstanding find to be more than by law is due unto them, they being by their letters-patents to pay but only £5 ℔ centum, it was therefore moved that this alleviation likewise, in point of payment, might be humbly petitioned of the Lords, and that it being obtained, it might accordingly be inserted in the articles of the contract, but if the customers shall not be willing hereunto, then to beseech their Lordships that the Company may be permitted to take the benefit of the law in defence of the priviledges of their patents, whereby his Majesty also shall receive much ease in his third part. This proposition was well approved of, and by a general erection of hands, no one dissenting, ordered it should accordingly be humbly offered to the Lords.

Fifthly, it being taken into consideration whether it were fit to move the Lords for mitigation of the freight for his Majesty's part as he desired, it was generally conceived fit to pass it over, and only mention it as an inducement to their other requests, seeing the Company cannot save much thereby, and yet the supposition that the King should lose much might be an impediment to their other desires.

Sixthly, that whereas by the contract the Companies are to have a sole sale, Sir Edwin Sandys propounded whether they did desire to have the sole sale rather than to leave it free for every man to take out his two-thirds and leave the King his third, considering if this general liberty of a free sale should be granted both the general sale would be much hindered, and the King's third would hardly be sold at all. This proposition, after some deliberation, was put to the question, and by a general erection of hands, no one dissenting, the Company agreed to insist upon

a sole sale, and ordered that their apprehension of a sole sale should accordingly be signified unto the Lords.

Seventhly, Sir Edwin Sandys offered unto the consideration of the Company whether they did not think fit it be propounded to the Lords in favour of the poor planters, that whereas by the contract they are to account for his Majesty's part every half year, they having been informed that the Lord Treasurer will be pleased, for relief of the planters, that the payment be made but once a year, at the year's end, to shew that if it shall please their Lordships to grant this favour they shall have the better means to relieve the poor planters, as is desired, it was by a general erection of hands, no one dissenting, desired the Lords might be moved hereunto.

Lastly, it was propounded to the consideration and judgment of the court, that in case before the Lords of the Council the opposers should make some proposition for the abatement of the customs and impositions, upon condition the Companies yield to bring in all their tobacco and there be left a free importation from other places, whether the Company did conceive their estate bettered in this manner more than it was by the contract. After much and long debate, it being in the end put to the question, it was by a general erection of hands, no one dissenting, adjudged that these two conditions propounded, vizt: That the Company should be bound to bring in all, and yet a freedom granted to bring in from other parts, would utterly ruin and overthrow the plantations, and that although the charges were brought down to sixpence yet the damage would be far greater than the ease.

According to these several heads proposed and agreed on, the court earnestly desired, the

| | |
|---|---|
| Lord Cavendish, | Colonel Ogle, |
| Sir Edward Sackville, | Sir Robert Killegrew, |
| Sir John Davers, | 3 Deputies and Mr. White, |

or any four of them would please to draw up a remonstrance of their said humble proposition and petition to the Lords of the Privy Council and present the same unto their Lordships in the name of the Company.

At a court held the 24th of March, 1622, the Lord Cavendish signified that whereas at the last court the Company took into

their considerations certain propositions which, after deliberations, they agreed should be moved unto the Lords of the Council, and thereupon the court appointed a committee to draw the same up in writing and present it to their Lordships, accordingly the said committee proceeded, and himself, with divers others, presented it unto the Lords, being this which followeth, together with the remonstrance formerly ordered to be delivered unto the Lords touching the impossibility and great damage that would arise unto the plantation by being bound to bring in all.

To the first writing, Sir Nathaniel Rich made answer unto some parts thereof, and withall offered a paper of objections against the contract; in the end, after a long debate and many contestations, as well concerning that as other business, they were willed to withdraw themselves, and within a while after the customers being first called in, and the Lord Treasurer signified unto them that himself and the rest of the Lords were resolved to acquaint his Majesty with the matter, but for themselves they declared their opinion to incline, that the Companies shou'd rather pay money as Sir Nathaniel Rich and the rest desired; as for the King's part, the Lord Treasurer said there was no abatement to be expected, but for the customers they were contented for the present to loose 3d. of their 6d., so that the payment for the tobacco at present should be but 9d.

*To the Right Honourable the Lords and others of his Majesty's most Honourable Privy Council.*

The humble petition and proposition of the Companies for Virginia and the Somer Islands:

We have understood from your Lordships that notwithstanding the contract touching tobacco concluded with his Majesty, it hath pleased him, of his great grace and care of the plantations, to offer unto the Companies a free deliberation of some greater ease and benefit for the encouragement of the Companies and colonies, which it hath pleased also your Lordships out of your like noble dispositions very favourably to commend unto us, and withall to require that as well the Companies, as the part opposite to the said Companies and contract, should reduce into writing and so offer the same to your Lordships' consideration and judgment.

In thankful acknowledgment of this his Majesty's grace, and in dutiful obedience to your Lordships' grave direction, the courts of the said Companies have been assembled and the part opposite desired to be present at the same courts, that setting aside all study of faction and contradiction, we might, with the main force of reason, try out what was most behooful with the plantations, and so with unanime consent present the same to your Lordships' favourable view.

Howbeit, notwithstanding this our earnest desire, the principal persons of the said opposites vouchsafing not their presence, yet divers of the citizens adhering to their part were both present and heard at large, propounding their opinions and reasons, after a long, serious and peaceable deliberation of all the several parts of the aforesaid contract, as also of some other new propositions which had been made, both the courts, with a general and unanimous consent (no one dissenting), concluded upon these several articles of proposition and petition, which here, in all duty, we most humbly present to your Lordships' better consideration and favourable acceptance, if they shall appear so to deserve.

First, touching the sole importation of tobacco to be granted to the said Companies, together with the inhibiting of the planting of tobacco within his Majesty's kingdom of England and Ireland, being the principal and fundamental part of the said contract, we conceive that without the perfecting and continuing of this grant for these seven years agreed on neither of the plantations as now possibly subsist—the Somer Islands being scarce capable of any other commodity by reason the earth lyeth so shallow upon the rocks, and better commodities lately set up in Virginia requiring some reasonable time for their increase and perfection.

For, although in former times, when the quantity of tobacco from the plantations was small and that imported from other foreign parts was likewise not great, the vent of both might stand together and both the one and the other bear an indifferent price, yet now the quantities of both being manifoldly doubled must needs so overcloy the marketts for sale that without the restraining thereof by a sort importation, the price thereof must needs fall to so unvaluable a rate as not to defray the very customs and other necessary charges. Secondly, it being likewise true, which

was delivered before your Lordships, that the meaner sort of tobacco in Spain may be bought at this day for the value of 6d., or 12d. at the most, which happeneth by reason the tobacco of the West Indies is made by the negroes and other slaves at a very small charge, and contrariwise the tobacco in the very plantations themselves being rated by the planters at a much higher value, besides the custom here and some other necessary charges, it must needs follow that the Spanish tobacco will be here much the cheaper, and consequently overthrow the sale of that of the plantations.

A third reason we will only vouch, and so leave to your Lordships much deeper consideration, being the same as moved the Lower House in the late assembly of Parliament to pass a bill to like effect for the sole importation, where it was made manifest by the experience and confession of all the Spanish merchants that the liberty of importing of Spanish tobacco, what by the price of the tobacco itself and what by the undersale of our native commodities for the procuring thereof, was to the damage and loss unto this kingdom of at least £100,000 by the year, which else might be returned in coin and bullion for our said native commodities. Besides, it was conceived that nothing could be more humble or justifiable for a State than to establish the vent of the subjects' natural commodity, such as is the tobacco growing on the said plantations, before the importing of the like foreign commodities from other parts, which could be but to the hurt and grievance of the subject, which course is also held firm and settled by sundry provident and pollique constitutions, both in Spain itself and many other Christian dominions, so that the Companies must humbly beseech first his Majesty and then your Lordships that for the matter of sole importation by the said Companies there may be no alteration from the grant intended in the said contract, which they conceive cannot be without the ruin of both the plantations, having hitherto wrought and traffiqued upon a wasting stock, which they hope by this grant may at length be renewed.

And as touching the obligation laid upon the Companies by the said contract for the bringing in of fourscore thousand weight of Varinaes tobacco in the first two or three years, your Lordships may be pleased to be advertized that upon the making of the said proposition to the Right Hon'ble the Lord Treasurer,

which not till the contract had been on foot for a good space the committees for the said treaty authorized by the Companies, did present unto his Lordship eight weighty reasons against the said proposition, which reasons were afterwards approved by the courts; but his Lordship, for more important reasons as it seemeth known unto himself, insisting still upon the said proposition in such sort that without yielding thereunto the contract could not proceed, the Companies, rather than lose so beneficial a grant as the matter of sole importation, in fine also assented unto that proposition. Howbeit, if it may please his most gracious Majesty and your noble Lordships to discharge the contract of that proposition, either in whole or in part, they shall in all duty acknowledge it for a most remarquable favour, yet rather than infringe the virtue, or dissolve the body of the said contract, they do again unanimously submit themselves to the said propotion.

Concerning the retribution to be made unto his Majesty by vertue of the said contract and in lieu of his grace, your Lordship may also please to be advertized that the first offer made on the Companies' behalf unto the Lord Treasurer was only of a fourth part of all their tobacco; but his Lordship, by computation of the quantities of tobacco likely yearly to be brought in, conceiving that the said fourth part would not make up that revenue which his Majesty had formerly received for that sole importation, and insisting upon a third part, the Companies, in demonstration of their thankfulness unto his Majesty for that sole importation, assented to that third, neither for any thing that they have yet heard from the opposite part see any just cause to repent them of; notwithstanding, if it shall please his Majesty, out of his abundant goodness, to vouchsafe the acceptance of their first offer of a fourth part, they shall not only acknowledge and publish his Majesty's said goodness, but also studiously apply themselves to their utmost endeavour to raise to his Majesty so large a profit out of that fourth part as may be answerable to the expectation of maintaining the former revenue.

The next considerable point in the contract is the matter of custom, wherein the Companies have yielded to pay 6d. ℔ pound for roll tobacco and 4d. for leaf, for so much thereof as shall belong to their parts; now, forsomuch as divers of the opposite part have informed the courts that the customers are now willing

in favour of the plantations to take only 3d. ℔ pound, one with another, they are bold upon this occasion to renew unto your Lordships' remembrance that which they have formerly delivered to this honourable board, viz: that by his Majesty's letters-patents of foundation of the said plantation the Company and their successors, both adventurers and planters, are discharged forever from all taxes and impositions to be laid by his Majesty, his heirs and successors, excepting only the five per centum after the use of merchants, and seeing that 6d. ℔ pound for roll tobacco and 4d. for leaf, expressed in the printed book of rates, was set before there was any tobacco in the said plantations, and there is an order set down in the said book of rates that for all other commodities omitted in the said book they shall be valued by merchants, from time to time as there shall be occasion, the Companies did, agreeably thereunto, petition that for the tobacco of the plantations, being not of half the value of the Spanish tobacco, which was rated in that book at ten shillings roll, and six shillings and eight pence leaf tobacco the pound, there might be a new and indifferent valuation made by itself, accordingly as was done in the same book for linnen and wines of the same kinds but of different countries, respect always being had to the true value of the commodity.

Divers of your Lordships also may be pleased to remember that, upon his Majesty's proclamation for prohibiting the planting of tobacco in this realm, the said Companies being called before the Lords, then commissioners for the treasury, and treated with for the paying of 12d. the pound for roll tobacco and 10d. for leaf, that is to say, for an addition of 6d. ℔ pound to the said former rates, the Companies, in thankfull acknowledgment of his Majesty's grace, did yield thereunto for the term only of five years, yet with this protestation: that they did yield only 3d. the pound for the custom and the rest in thankfull retribution to his Majesty, which propositions they desired might be entered in their Lordships' records; the Companies, therefore, without intent to infringe the said contract in any thing, most humbly beseech your Lordships that if the customers be content to accept of the said 3d. for custom, which in law and equity is more than their due, that the same may be accordingly set down in this contract, but if the customers, as some conceive, have only made this offer to draw on the Companies into far greater incon-

veniences, amongst which the depriving them of the said sole importation, then, in that case, they shall become most humble suitors unto your Lordships that, with your Lordships' good favour, they may try the validity of their patents with the said customers, and pay them so much as by judgment of law shall fall out to be due unto them.

And as touching the sole sale of all tobacco to be imported, to be likewise managed by the Companies, they having taken it again into very serious consideration, do find by all reason and experience of merchants that it will greatly advance the price of the commodity, and consequently that of his Majesty's part as that of the adventurers and planters; and as for the reasons made by the opposite part, they conceive them light and private, as tending to the advantage only of some few who, either by usurpation or oppressive courses in the plantation or here at home by some extraordinary art and dexterity being able to overreach and outgo their fellows, desire to go single from them in all their courses, but to the general good (which the Companies are bound to respect) they hold the contrary proposition to be extreamly prejudicial.

Lastly, concerning the poor planters, of whom the Companies have (as they ought) a special regard, your Lordships may please to be informed that the quantity of tobacco brought home in right of their propriety is for the most part very small, it being expended in the plantations amongst the merchants trading thither with their several necessary commodities. But for the poor planters, which themselves came over in person and need a more speedy return than the ordinary course of the Company's sale may perhaps afford, there have been divers extraordinary ways taken into consideration and concluded on by the courts, too long here to trouble your Lordships with the expressing of them in particular, being ready, if your Lordships require, to be shewed to you out of their books.

And whereas it hath been informed by some in the courts that the Lord Treasurer, in relief of the said poor planters and for the furnishing of them with ready money, would be content that his Majesty's part should be paid in at one payment at the end of the year, they conceive that the addition of this extraordinary favour will give the Companies abundant means for the poor planters' relief, whereof the Companies shall make use accordingly.

Finally, the said Companies, with unanimous consent, in all sincerity and duty are bold to affirm, and that confidently, to your Lordships that having thus taken the contract asunder into his several parts, and examined the same with their best understanding and skill, they do not find any just cause of so grievous complaint against it as hath been made by these men who, being members of the Company and most of them having been present at the negotiating of the said contract and having given their express consent unto it, do now, upon private humour, oppose against it, valuing their own wills above common consent and the just rules of government. Notwithstanding, if it shall please his Majesty and your Honorable Lordships, in tender care and favour of the said plantations, to grant a qualification of the points of the contract before expressed, both the Companies and plantations shall thereby receive a singular encouragement to proceed in their laborious and costly courses of bringing the plantations to their desired perfection, and remain over studious by their utmost endeavours to express their thankfulness, first to his Majesty and then to your Lordships for the same. And howsoever the Companies unanimously desire that the said contract may proceed and be continued for these seven years formerly accorded.

At a court held the 2d of April, 1623, there was read the letter received by the James from the Governor and Council of Virginia, who desired that their humble thanks might be presented to his Majesty for his gracious favour in that supply of arms and munition sent them; the performance thereof was recommended by the court to Sir Edward Sackvill, who was also desired upon fit opportunity to move his Majesty for the four hundred young persons formerly petitioned.

Mr. Palavicne moved in Mr. Wrote's name for a copy of his sentence, which was ordered accordingly should be given him by the Secretary.

Sir Nathaniel Rich said, that having had of late speech with the Lord Treasurer, he understood from him so much as he conceived that if the Companies would petition they might have the sole importation of tobacco, with the exception only of forty thousand weight of Spanish tobacco to be brought in yearly, wherein they should have more favour than any other under-

takers, he therefore moved that the Companies would accordingly petition the Lord Treasurer. This motion was by some liked and approved, who affirmed that the Companies having the grant of bringing in the Spanish tobacco might farm it out to others and thereby gain £1,000, yea, perhaps £2,000 ℔ year; but hereunto answer was made, that it were better for the Company that the importation of Spanish tobacco (since it must needs be granted) should be in strangers' hands than in the Companies, who could better look to it and prevent the stealing in than they could, which could not be done by them but by raising a great deal of charge for salaries (a thing so much declaimed against), and for the matter of sole importation, which the Companies had so much desired, that was a total exclusion of all foreign tobacco, which the Companies sought for; but if there was a necessity that a certain quantity of foreign tobacco must be brought in, it was all one to the plantations whether it were in the Companies' or others' hands; but if so be it could not be procured from his Majesty and the Lord Treasurer that a sole importation of tobacco should be granted to the Companies with a forbidding of all others (except for some small quantity), and that for two or three years at the most, and this to be confirmed by his Majesty's letters-patents, and that together with the abatement of 3d. in the pound, and the Companies left to their liberty to bring in what they pleased, that were indeed a singular favour unto the plantations, and the Companies should be highly beholding to those gentlemen by whose means it should be procured and obtained.

As for this motion (as it was propounded), it was not conceived to be any more in substance than that whereas there is a quantity of 40,000 weight of Spanish tobacco to be brought in, the Companies should have the farming of it, which was not conceived any such benefit as the Companies should move therefore; but in case there were an intent to grant a free importation of all sorts of tobacco unstinted, which, in regard that the State had with so much prudence reduced to the quantity of 60,000 weight, was not to be imagined, the free importation having been found so great a detriment and damage unto this kingdom, it was then generally adjudged that the court ought to use all possible means and diligence to prevent that which would utterly undo the plantations.

Wherefore Sir Nathaniel Rich was desired by the court to bring his propositions well digested, and fully to inform himself of what favours they might hope to obtain, and upon what retribution, for, as the proposition was now made, it was not conceived anything beneficial, or that the Companies should stir in it.

There was presented unto this court a petition of Captain John Martin's, wherein he declared with much thanks his humble acceptance of the patent that was offered him by the Company, although in the matter of rent it differed from the Earl of Southampton's; and whereas it was signified that Captain Martin being by his said patent to have his land set out within the territories of Martin Brandon, he desired these words might be added, namely: in that place whereof he was formerly possessed; and further, that in the habendum of his said patent, after the words waters, rivers, there might be added these two words, marshes, swamps, etc., which the court agreed unto, and ordered the Secretary should put them in.

And touching his three demands in his said petition, the court hath promised first, that if it shall be found by any court-roll, either here in England or in Virginia, that the first and ancient planters should have five hundred acres for a share (as he supposeth) he shall have the same proportion allowed him, or if any larger patent shall be granted hereafter, he shall have the like favour upon his petition for the enlargement of his.

Touching his second request for some allowance out of the publick for his place of mastership of the ordnance, as other officers lately gone over have had, the court hath promised that when the publick shall be able to spare any men, his request shall be taken into consideration.

Concerning his third request for a commission to the Governor and Council of Virginia to examine the wrongs and detriments done unto him by Sir George Yeardley in the time of his government since, and that upon proof thereof made, they may cause him to make restitution, the court hath ordered that direction shall be given by letter to the Governor and Council there to proceed therein accordingly as is desired, who shall be entreated to afford Captain Martin all lawful favour, as to justice shall appertain.

The court being moved for a patent for Mr. Roper and Mr. Fitzuffries, undertaking to transport one hundred persons, and

being to go over themselves this next shipping to Virginia, ordered a patent to be drawn up for them against the next quarter-court.

Upon motion for a commission for the George for transporting of passengers to Virginia, the court ordered a commission to be drawn up.

At an extraordinary court held the 12th of April, 1623, the Lord Cavendish acquainted the Company that the cause of calling this court at so unseasonable a time was to acquaint them how that Alderman Johnson, together with some others his associates, had presented a petition to his Majesty complaining much of the misgovernment of the Companies and plantations these four last years, which, to the intent it might not make any impression in his royal breast to the prejudice of the Company, his Lordship conceived that the Company were to think of some present course to give his Majesty satisfaction by a declaration of both the estate of the colony and of the carriage of business here at home by the Company. But to the intent they might proceed herein with the greater certainty, the court sent some of the Company to Mr. Alderman Johnson, to desire him either to send or bring them a copy of the said petition which he had delivered, who sent answer by them that they had no copy of the petition, nor did know of any that did keep a copy thereof, and that the petition was not against the Company, which was likewise affirmed by some of them who were present in court and had been at the delivery of that petition, desiring the Company not to engage themselves therein until they saw the petition (professing that they intended the good of the plantation and the Company as much as any other); whereupon they were desired to declare what it was they had complained of, and who the persons were, it being said by the Lord Cavendish that if they did not find themselves agrieved with the Company they ought not to have complained unto his Majesty until they had acquainted the court with their grievances, and seen what remedy by them would have been apply'd. Whereupon Mr. Palavicnie' (being one of those that was at the delivery of the petition) said that the things which they chiefly complained of were, perhaps, such as the Company had been often moved about and would give no redression.

Whereupon Sir Edward Sackvill said that although Alderman

Johnson would not send a copy of the petition, yet himself and some others in the court could fully inform the Company and certainly of the substance thereof. He said, therefore, that petition was in effect a comparison of the Government in former times with the latter four years, and that in three points.

First, that in former times the Government was so mild and moderate as a multitude of adventurers were brought in, but now there was much oppression and injury offered both to adventurers and planters.

Secondly, that whereas formerly things were carried quietly both here and in the plantations, now there was nothing but contentions and dissentions, to the ruin almost and overthrow of the plantations.

Thirdly, that whereas divers excellent commodities were formerly set up, now there was nothing but smoke and tobacco; whereupon they desired his Majesty that a commission might be awarded that these things might be amended.

This being delivered upon his certain knowledge to be the substance of the petition, and confirmed by the Lord Cavendish, it was, by a general erection of hands, conceived that this petition and complaint was against the Company itself, and so that they accordingly ought to justify themselves and to defend their proceedings against these unjust and untrue informations, but yet withall for the very issue of the petition itself, the court liked very well, and, by erection of hands, ordered that a petition should be presented in the name of the Company to beseech his Majesty that the Lords of the Council might have the examination of these things, and that their innocency or guiltiness might be clear or punished, and in the meanwhile for a true information of his Majesty, the Lord Cavendish presented to the court two several writings, the one being a declaration of the State of Virginia comparatively with what had been done in former times, which, by order of the Earl of Southampton, was drawn up by some of the Council at Christmas last, which being now read and weighed from point to point, was, with some small alterations, approved and confirmed by the court and ordered to be delivered to his Majesty as their act, being this which followeth, viz:

*A Declaration of the present State of Virginia humbly presented to the King's most Excellent Majesty by the Virginia Company.*

*May it please Your Majesty:*

In the end of December, in the year 1618, being the 12th year after the beginning of this plantation, and after the expense of four-score thousand pounds of the publick stock and upwards, besides other sums of voluntary planters, there were remaining there in the colony about six hundred persons—men, women and children—and cattle about three hundred at the most, and the Company was then left in debt about five thousand pounds.

At this time (through God's blessing), notwithstanding the great mortalities which, in some of these four latter years, have generally seized upon all those parts of America, and besides the late massacre of three hundred and fifty persons, and a great mortality thereby occasioned by being driven from their habitation and provisions, there are remaining, as we compute, above five and twenty hundred persons, sent with the expense only of thirty thousand pounds of the publick stock besides the charges of particular societies and planters. And the cattle, what by new supplies and what by increase of the former provision, are multiplied to above one thousand of beasts, and of swine an infinite number; and the old debt of the Company hath been discharged.

At the beginning of these four last years the only commodities of price, and upon which only a valuation was set to maintain the trade, were tobacco and sassafras, for in the two last years before there was no course taken up for the setting up of any others through the poverty of the Company.

During these 4 last years there hath been expended in setting up of iron works (the oar whereof is there in great plenty and excellent) above five thousand pounds, which work being brought in a manner to perfection was greatly interrupted by the late massacre, but ordered to be restored again with all possible diligence.

For the making of wine, it is to be known that the soil there doth of itself produce vines in great abundance and some of a very good sort, besides divers plantations been sent thither of the better hands of Christendom.

There hath also been sent thither eight vigneroons procured

from Languedock, and careful order hath been taken for setting up of that commodity, which we doubt not in a short time will shew itself in great plenty, and had not the business been interrupted by the massacre e'er this effects had been seen, there being divers vineyards planted in the country whereof some contained ten thousand plants.

For silk the country is full of mulberry trees of the best kind, and general order taken for the planting of them abundantly in all places inhabited. True it is that the silkworm seed hath, till this last year, miscarried, to the great grief of the Company, having had large supplies thereof from your Majesty's store; but in September last we sent near 80 ounces with extraordinary care and provision that we doubt not but that it will prosper and yield a plentiful return, there being sent also men skilful to instruct the planters for all things belonging to bring the silk to perfection, and we have notice that the seed hath been received safe and order given for the disposing and nourishing them through the whole plantation.

There have been sent also, at the great charge of the Company, skilful men from Germany for setting up of sawing mills, and divers shipwrights from hence for making boats and ships, and others for salt works and others for other commodities, the good effect whereof we doubt not will shortly appear.

We will not here enlarge in declaring the great and assidual care which the Council and Company, with their principal officers, have from time to time taken, as well from reclaiming the colony from overmuch following tobacco (every man being now stinted to a certain proportion), as also in setting forward the other staple and rich commodities, as well by the charges and provisions aforesaid as likewise by setting upon them a competent valuation, not doubting but that whosoever will be pleased to take the pains to peruse their frequent letters, instructions and charters to that effect, together with sundry printed books made purposely and published for their help and direction (the full view whereof is prohibited to no man), will be far from censuring them for any omission. Neither may we forbear to do that justice to the Governor and Commission and other principal officers now residing in Virginia as not to testify their solicitous care and industry in putting in execution our desires and instructions, as appeareth by their proclamation and other orders to be seen.

Touching the government, it hath in these four latter years been so reformed, according to your Majesty's original directions, that the people who in former times were discontent and mutinous by reason of their inassurance of all things, through want of order and justice, live now amongst themselves in great peace and tranquility, each knowing his own and what he is mutually to receive and perform.

And to the end that worthy persons may be allured to these places of council and government, and all occasion of rapine and extortion be removed, the Council and Company have now, at their very great charge, caused to be set up a competent annual provision and revenue for maintenance of the Governor, with other magistrates and officers, and particularly the ministry, according to the degree and quality of each place.

Neither have these our cares and courses been ineffectual, but as they have settled the colony there in a great quiet and content, so have they raised here at home so great a fame of Virginia, that not only men of meaner estates, as at the first by necessity, but many persons of good sort, out of choice and good liking, have removed themselves thither, and are dayly in providing to remove.

There have been in these four last years granted forty-four patents for land to persons, who have undertaken to transport each of them at least one hundred men, whereas in the former twelve years there was not above six.

There have come in ten times more adventurers in these four last years than in almost twice that time before, so that whereas in former times there were sometimes hardly got twenty to keep the quarter-court, there are now seldom less than two hundred, and sometimes many more.

There have been employed in these four last years forty-two sail of ships of great burthen, whereas in four years before there were not above twelve.

We may not here omit one extraordinary blessing, which it hath pleased God Almighty in the four last years so as to excite the hearts of well-minded people to extend their aid towards the forwarding of this glorious work, that there hath been contributed towards in presents, to the value of fifteen hundred pounds by zealous and devout persons, most of them refusing to be named, of which fruit the preceding years were altogether barren.

It cannot be denied, but 'tis to be deplored with much sorrow, that the blessing of God appearing in the increase and prosperity of the plantation drew on that bloody resolution from the infidels, and as it is conceived hath excited here at home divers troublesome opposition by persons (it seemeth little favouring Virginia's prosperity), but the one we hope will be sharply revenged, and the other must be born with patience and with constancy overcome.

To conclude, for the better securing of the plantation, besides the continual sending of multitudes of persons and shipping (whereof there were lately, about Christmas last, seventeen sail in James River, in Virginia,) the Council and Company, to their great charge, have given order for the erecting of a fort in some convenient place in the same river to keep out foreign invasion till better preparation be made.

And if your Majesty, being the first founder and great supporter of this action (which will remain a constant monument of your glorious name forever), will be pleased that the four hundred young and able men desired by the Company and not denied but respited, may now at length be levied, as was petitioned, and sent to Virginia for the rooting out of those treacherous and barbarous murderers, as also for the supply of the plantation in parts yet defective, we doubt not but in a short time to yield unto your Majesty so good and real account of the fruits of our cares, endeavours and labours as may be answerable to our duty and your princely expectation.

The second writing that his Lordship shewed was a relation of the proceedings of the Virginia and the Somer Islands Companies, in answer of some imputations laid upon them, together with a discovery of the grounds of such unjust objections and a remedy propounded for avoiding the like inconveniences hereafter, which discourse his Lordship said himself had drawn up for satisfaction of some very noble personages, who, upon sinister informations of the Company's proceedings, seemed to have entertained some hard conceit of them. But upon the reading of this discourse they remained very well satisfyed of the fairness and justness of the Company's proceedings in those several points; the like effects he hoped it would work in his Majesty. Whereupon the said relation (being this which followeth) was

read, and every several part and branch thereof being duly weighed and considered of was by itself put to the question and, by a general erection of hands, every branch of it was approved and confirmed as the act and answer of the Company, there being not above three hands against any one point of it, and most of them confirmed without the dissenting of any one.

And it was further ordered that these two writings, together with the petition, should be delivered to his Majesty, and to that end were humbly entreated the

Lord Cavendish, Sir John Brooke,
Lord Lawar, Colonel Ogle,
Sir Edward Sackvill,

to take the first opportunity that might be, it being left unto themselves to make choice of such other of the Company as they would should attend.

*A Relation of the late proceedings of the Virginia and Somer Islands Companies, in answer to some importations laid upon them, together with the discovery of the grounds of such unjust objections and a remedy proposed for the better avoyding the like inconveniencies hereafter, humbly presented to the King's most excellent Majesty by the said Companies.*

*May it please your Majesty:*

It is manifest that divers misinformations have been given, and those publickly; to the most material thereof a true and plain answer ensueth:

The first objection is, that some few of the Company lead and oversway the courts, and in the particular business of the contract, intending their own private, especially in point of salary, have for that cause persuaded and mislead the courts.

It is true that some particular persons, to their great charge and trouble, without hope or expectation of profit, have employed their time and endeavours in consideration of what might tend to the good and benefit of both plantations, and that only with purpose to propose and communicate to the courts their faithful advice, which is both the duty and in the power of every particular member of these societies, and that this diligence should be interpreted a captivating or misleading of the courts.

wherein they only deliver their opinion without any aforehand conclusion, which is neither in their powers nor intention, is a very unjust censure and a hard requital to those persons who, for a general good, neglect so much time and so many opportunities for their own private. For the supposition that in respect of the salary these men should misguide the courts to the prejudice of the plantations, the meer narrative of the occasions, carriage and necessity of that business we suppose will sufficiently clear them.

The managing of the intended was, upon deliberation by the Council of Virginia and and the committees designed for that business, conceived to be so great and troublesome an employment as would wholly take up the officers' times, and it was by none conceived reasonable (imposing so great a burthen) to exact men's labours without a proportionate requital for their pains, especially their employment in this case being for the particular raising and advantage of several persons' private estates by the higher sale of his commodity, and there was never example of men thus employed without salary, this being a business of meer merchandize, and of a distinct nature from a plantation and the government thereof. Besides, it is a guessing uncharitable censure to say that the salaries were aimed at by those since elected; for the salaries and officers were first agreed upon before the persons were chosen.

And for those that were elected to the two great salaries, against which they do most object, it is certain that both in publick and private, at sundry times, they used all possible endeavours and industry to keep themselves from being chosen, but the experience the Companies had of their faithfulness and abilities made them to be chosen, and so in a manner forced them to this employment against their wills, and though in some quarterly-court since their election they have, as much as in them lay, surrendered their offices, yet the courts would never admit thereof; and further, a proposition being offered by the first principal objector for the managing of the business with less experience, it was parti * * after a particular and exact examination refused by the judgment of both courts, which also by question delivered their opinion that they would trust no man in a matter of that weight that would offer himself to undergo it without salary, or so like as was proposed there.

And after all these objections and clamours against them, the last quarter-court, upon a long and full debate, did fully concluded and confirmed the offices, officers and salaries in the same manner and forme as in the quarter-courts before they had been agreed on.

Lastly, whereas they fortifye their clamour with the greatness of the salaries (vizt :), £2,500 ℔ annum, that is untrue, for to all the officers chosen by the Companies there was allotted only seventeen hundred pounds ℔ annum, £800 was laid by for such necessary uses and occasions as could not be avoided, and his £800 was, in the judgment of the Lord Treasurer, a proportion rather too little than too great; but out of all your Majesty by the contract was to pay a third part, and committing upon the £1,700 of mere salary your Majesty's third is near £600, and the proportion intended to be laid on the Spanish tobacco would have saved £600 more, so that the charge remaining to the Companies would not have amounted at the most but to £600, and that would easily have been defrayed by the imposition of a penny the pound of tobacco, and yet this small charge must not be understood to be laid by the Companies during the whole seaven years of the contract, but only for one year, being of all others most difficult, so that if they had found it too heavy they might for the next year have altered their course and eased their charge if they found it either possible or convenient.

The second objection is, that the courts are overswayed, and particularly were so in this business of the contract, by informing the courts that it was prest upon them by the King.

It is a strange boldness for any, especially being of our Company and the proceedings thereof, yet to be so overbold as to affirm a thing so manifestly false, for it hath been divers times profest in the courts by sundry citizens that they never, in any society wheresoever they had been, found that liberty of speech and vote or the courts carried with that moderation and temper as those of Virginia and the Somer Islands.

Moreover, the Companies are so assured of the falsity of this scandal that it was one of the principal causes why Mr. Wrote, who was the first that laid that imputation upon the courts, was censured.

Besides, in the quarter-court the fifth of February, there being present above two hundred persons, something that had been

spoken by Sir Henry Mildmay caused the court to believe that your Majesty had been abused by this report; therefore, it was then put to the question whether the courts were overawed or had not so much liberty of speech as they desired, it was by a general erection of hands (no one dissenting) denied.

And after in the courts of the fifth of March, upon occasion that by some the day before at the Council table it was said that men were overawed to give their consent for the contract, it was again put to the question and, by a general erection of hands, no one dissenting, denied as before, and also affirmed that this matter was carried fairly and by strength of reason only appearing to the courts and no otherwise.

The contract in respect of importation from the plantations only was ever propounded to the court as a matter of great grace and favour from your Majesty, and in the treaty about it with the Lord Treasurer, who was the first proposer of it when the retribution of a third was by him urged, as also the bringing in of 80 thousand weight of Spanish tobacco in two years, the Committees, appointed by the courts to negotiate this business with the Lord Treasurer, used all their endeavours to bring this third to a fourth, and against the importation of Spanish tobacco gave his Lordship eight weighty reasons in writing; but neither of these two desires were entertained, and so the committees returned their labours unto the courts, declaring unto them that upon these terms, and no otherwise, they might have the sole importation, which the courts, taking into their most serious consideration, deliberating in what case they had been in former years, sometimes forbidden by reason of other contractors to bring in any tobacco, sometimes commanded to bring in all, they conceived that by entertaining this bargain thus, though it were not so good as they desired, yet comparatively they should be in a better state than they have been heretofore; and so afterwards, upon this only reason, the contract hath been confirmed in six several quarter-courts.

The third objection is that these persons, upon whom these intentions are unjustly laid, when they could not carry matters by plurality of voices, did draw on and spin out the courts till eleven o'clock at night, by which means those that were against some parts concerning the managing of the contract, being overwearied with so long sitting, did depart.

And after all these objections and clamours against them, the last quarter-court, upon a long and full debate, did fully concluded and confirmed the offices, officers and salaries in the same manner and forme as in the quarter-courts before they had been agreed on.

Lastly, whereas they fortifye their clamour with the greatness of the salaries (vizt:), £2,500 ℔ annum, that is untrue, for to all the officers chosen by the Companies there was allotted only seventeen hundred pounds ℔ annum, £800 was laid by for such necessary uses and occasions as could not be avoided, and his £800 was, in the judgment of the Lord Treasurer, a proportion rather too little than too great; but out of all your Majesty by the contract was to pay a third part, and committing upon the £1,700 of mere salary your Majesty's third is near £600, and the proportion intended to be laid on the Spanish tobacco would have saved £600 more, so that the charge remaining to the Companies would not have amounted at the most but to £600, and that would easily have been defrayed by the imposition of a penny the pound of tobacco, and yet this small charge must not be understood to be laid by the Companies during the whole seaven years of the contract, but only for one year, being of all others most difficult, so that if they had found it too heavy they might for the next year have altered their course and eased their charge if they found it either possible or convenient.

The second objection is, that the courts are overswayed, and particularly were so in this business of the contract, by informing the courts that it was prest upon them by the King.

It is a strange boldness for any, especially being of our Company and the proceedings thereof, yet to be so overbold as to affirm a thing so manifestly false, for it hath been divers times profest in the courts by sundry citizens that they never, in any society wheresoever they had been, found that liberty of speech and vote or the courts carried with that moderation and temper as those of Virginia and the Somer Islands.

Moreover, the Companies are so assured of the falsity of this scandal that it was one of the principal causes why Mr. Wrote, who was the first that laid that imputation upon the courts, was censured.

Besides, in the quarter-court the fifth of February, there being present above two hundred persons, something that had been

spoken by Sir Henry Mildmay caused the court to believe that your Majesty had been abused by this report; therefore, it was then put to the question whether the courts were overawed or had not so much liberty of speech as they desired, it was by a general erection of hands (no one dissenting) denied.

And after in the courts of the fifth of March, upon occasion that by some the day before at the Council table it was said that men were overawed to give their consent for the contract, it was again put to the question and, by a general erection of hands, no one dissenting, denied as before, and also affirmed that this matter was carried fairly and by strength of reason only appearing to the courts and no otherwise.

The contract in respect of importation from the plantations only was ever propounded to the court as a matter of great grace and favour from your Majesty, and in the treaty about it with the Lord Treasurer, who was the first proposer of it when the retribution of a third was by him urged, as also the bringing in of 80 thousand weight of Spanish tobacco in two years, the Committees, appointed by the courts to negotiate this business with the Lord Treasurer, used all their endeavours to bring this third to a fourth, and against the importation of Spanish tobacco gave his Lordship eight weighty reasons in writing; but neither of these two desires were entertained, and so the committees returned their labours unto the courts, declaring unto them that upon these terms, and no otherwise, they might have the sole importation, which the courts, taking into their most serious consideration, deliberating in what case they had been in former years, sometimes forbidden by reason of other contractors to bring in any tobacco, sometimes commanded to bring in all, they conceived that by entertaining this bargain thus, though it were not so good as they desired, yet comparatively they should be in a better state than they have been heretofore; and so afterwards, upon this only reason, the contract hath been confirmed in six several quarter-courts.

The third objection is that these persons, upon whom these intentions are unjustly laid, when they could not carry matters by plurality of voices, did draw on and spin out the courts till eleven o'clock at night, by which means those that were against some parts concerning the managing of the contract, being overwearied with so long sitting, did depart.

And after all these objections and clamours against them, the last quarter-court, upon a long and full debate, did fully concluded and confirmed the offices, officers and salaries in the same manner and forme as in the quarter-courts before they had been agreed on.

Lastly, whereas they fortifye their clamour with the greatness of the salaries (vizt :), £2,500 ℔ annum, that is untrue, for to all the officers chosen by the Companies there was allotted only seventeen hundred pounds ℔ annum, £800 was laid by for such necessary uses and occasions as could not be avoided, and his £800 was, in the judgment of the Lord Treasurer, a proportion rather too little than too great; but out of all your Majesty by the contract was to pay a third part, and committing upon the £1,700 of mere salary your Majesty's third is near £600, and the proportion intended to be laid on the Spanish tobacco would have saved £600 more, so that the charge remaining to the Companies would not have amounted at the most but to £600, and that would easily have been defrayed by the imposition of a penny the pound of tobacco, and yet this small charge must not be understood to be laid by the Companies during the whole seaven years of the contract, but only for one year, being of all others most difficult, so that if they had found it too heavy they might for the next year have altered their course and eased their charge if they found it either possible or convenient.

The second objection is, that the courts are overswayed, and particularly were so in this business of the contract, by informing the courts that it was prest upon them by the King.

It is a strange boldness for any, especially being of our Company and the proceedings thereof, yet to be so overbold as to affirm a thing so manifestly false, for it hath been divers times profest in the courts by sundry citizens that they never, in any society wheresoever they had been, found that liberty of speech and vote or the courts carried with that moderation and temper as those of Virginia and the Somer Islands.

Moreover, the Companies are so assured of the falsity of this scandal that it was one of the principal causes why Mr. Wrote, who was the first that laid that imputation upon the courts, was censured.

Besides, in the quarter-court the fifth of February, there being present above two hundred persons, something that had been

spoken by Sir Henry Mildmay caused the court to believe that your Majesty had been abused by this report; therefore, it was then put to the question whether the courts were overawed or had not so much liberty of speech as they desired, it was by a general erection of hands (no one dissenting) denied.

And after in the courts of the fifth of March, upon occasion that by some the day before at the Council table it was said that men were overawed to give their consent for the contract, it was again put to the question and, by a general erection of hands, no one dissenting, denied as before, and also affirmed that this matter was carried fairly and by strength of reason only appearing to the courts and no otherwise.

The contract in respect of importation from the plantations only was ever propounded to the court as a matter of great grace and favour from your Majesty, and in the treaty about it with the Lord Treasurer, who was the first proposer of it when the retribution of a third was by him urged, as also the bringing in of 80 thousand weight of Spanish tobacco in two years, the Committees, appointed by the courts to negotiate this business with the Lord Treasurer, used all their endeavours to bring this third to a fourth, and against the importation of Spanish tobacco gave his Lordship eight weighty reasons in writing; but neither of these two desires were entertained, and so the committees returned their labours unto the courts, declaring unto them that upon these terms, and no otherwise, they might have the sole importation, which the courts, taking into their most serious consideration, deliberating in what case they had been in former years, sometimes forbidden by reason of other contractors to bring in any tobacco, sometimes commanded to bring in all, they conceived that by entertaining this bargain thus, though it were not so good as they desired, yet comparatively they should be in a better state than they have been heretofore; and so afterwards, upon this only reason, the contract hath been confirmed in six several quarter-courts.

The third objection is that these persons, upon whom these intentions are unjustly laid, when they could not carry matters by plurality of voices, did draw on and spin out the courts till eleven o'clock at night, by which means those that were against some parts concerning the managing of the contract, being overwearied with so long sitting, did depart.

And after all these objections and clamours against them, the last quarter-court, upon a long and full debate, did fully concluded and confirmed the offices, officers and salaries in the same manner and forme as in the quarter-courts before they had been agreed on.

Lastly, whereas they fortifye their clamour with the greatness of the salaries (vizt :), £2,500 ℔ annum, that is untrue, for to all the officers chosen by the Companies there was allotted only seventeen hundred pounds ℔ annum, £800 was laid by for such necessary uses and occasions as could not be avoided, and his £800 was, in the judgment of the Lord Treasurer, a proportion rather too little than too great; but out of all your Majesty by the contract was to pay a third part, and committing upon the £1,700 of mere salary your Majesty's third is near £600, and the proportion intended to be laid on the Spanish tobacco would have saved £600 more, so that the charge remaining to the Companies would not have amounted at the most but to £600, and that would easily have been defrayed by the imposition of a penny the pound of tobacco, and yet this small charge must not be understood to be laid by the Companies during the whole seaven years of the contract, but only for one year, being of all others most difficult, so that if they had found it too heavy they might for the next year have altered their course and eased their charge if they found it either possible or convenient.

The second objection is, that the courts are overswayed, and particularly were so in this business of the contract, by informing the courts that it was prest upon them by the King.

It is a strange boldness for any, especially being of our Company and the proceedings thereof, yet to be so overbold as to affirm a thing so manifestly false, for it hath been divers times profest in the courts by sundry citizens that they never, in any society wheresoever they had been, found that liberty of speech and vote or the courts carried with that moderation and temper as those of Virginia and the Somer Islands.

Moreover, the Companies are so assured of the falsity of this scandal that it was one of the principal causes why Mr. Wrote, who was the first that laid that imputation upon the courts, was censured.

Besides, in the quarter-court the fifth of February, there being present above two hundred persons, something that had been

spoken by Sir Henry Mildmay caused the court to believe that your Majesty had been abused by this report; therefore, it was then put to the question whether the courts were overawed or had not so much liberty of speech as they desired, it was by a general erection of hands (no one dissenting) denied.

And after in the courts of the fifth of March, upon occasion that by some the day before at the Council table it was said that men were overawed to give their consent for the contract, it was again put to the question and, by a general erection of hands, no one dissenting, denied as before, and also affirmed that this matter was carried fairly and by strength of reason only appearing to the courts and no otherwise.

The contract in respect of importation from the plantations only was ever propounded to the court as a matter of great grace and favour from your Majesty, and in the treaty about it with the Lord Treasurer, who was the first proposer of it when the retribution of a third was by him urged, as also the bringing in of 80 thousand weight of Spanish tobacco in two years, the Committees, appointed by the courts to negotiate this business with the Lord Treasurer, used all their endeavours to bring this third to a fourth, and against the importation of Spanish tobacco gave his Lordship eight weighty reasons in writing; but neither of these two desires were entertained, and so the committees returned their labours unto the courts, declaring unto them that upon these terms, and no otherwise, they might have the sole importation, which the courts, taking into their most serious consideration, deliberating in what case they had been in former years, sometimes forbidden by reason of other contractors to bring in any tobacco, sometimes commanded to bring in all, they conceived that by entertaining this bargain thus, though it were not so good as they desired, yet comparatively they should be in a better state than they have been heretofore; and so afterwards, upon this only reason, the contract hath been confirmed in six several quarter-courts.

The third objection is that these persons, upon whom these intentions are unjustly laid, when they could not carry matters by plurality of voices, did draw on and spin out the courts till eleven o'clock at night, by which means those that were against some parts concerning the managing of the contract, being overwearied with so long sitting, did depart.

It is true that upon this day here meant the court sat till about ten o'clock, but upon these occasions there were divers long courts to be read, principally concerning the offences of Mr. Wrote, who that day was to receive the judgment and censure of the quarter-court, and the very handling of this business continued until after seaven o'clock.

The same day was also held a Virginia court, with power of a quarter-court derived from the quarter-court itself, which was held the Wednesday before, by reason the Lord Treasurer was not then fully resolved to give his assent to every particular of the contract as was before agreed on, but this day, having communicated all the articles of the contract with the Lords of the Privy Council, about 5 o'clock at night he sent it to us by Sir Arthur Ingram, signed with his hand entire as before, only with this intimation, that whereas before the Companies were to have had forthwith a proclamation for the sole importation by the Companies and for restraining of bringing in of all other tobacco but that of the plantations, saving that within two or three years they were enjoyned to bring in 80,000 weight of the best Spanish tobacco, the Companies were now desired to forbear the publishing of this proclamation, though concluded on by the contract, for three or four months; and this at that time being a new proposition, but such a one as had the weight to make the bargain either fall or proceed, and that being the last day wherein the Company, by the patent and orders of the Company, they are enabled to conclude business of that nature, unless they should have deferred them for more than a quarter of a year longer, the debate of this was now necessary, and being long was another occasion of the court's continuance. And the contract, with this new proposition, being now again confirmed, the offices, officers and salaries, in respect of objections and new propositions then offered and severally weighed, were again to be debated and put to the question, and so to be either confirmed (as they were) or altered, and that of necessity at this time because they expected instantly the coming in of great quantity of tobacco from Virginia and the Somer Islands and another court could not have the power to do it, and these were the only and true causes of the continuance of these courts this day so long.

And that cause which is intimated by the objection is utterly untrue, for though peradventure some departed before the rising

of the court, yet not one that opposed the conclusion and former acts of courts went away, and at the very last, besides divers noblemen and knights, when the question was put there were about a hundred persons.

It hath been objected that in the time when this contract was first to have been concluded the courts were on purpose put off seven weeks together, by reason that some planters that were shortly to go away might not have opportunity to complain against it.

It is strange how any man, knowing our proceedings in this business, could with any confidence broach such an objection, being so manifestly impossible and so absolutely false, as shall appear.

Nothing tending to the conclusion of the contract could be ratified but in a quarter-court; the Companies in the last mid-summer quarter-courts did first agree to this bargain, at which time all the old planters, being about thirty in number, were or might have been in the courts, for none went away till about eight weeks after; neither could it be then discovered they were at all discontented with it, none making objection, but some urging earnestly for it, and then the bargain being concluded and so become unarguable, that the courts should be afterwards put off to avoid their argument cannot be comprehended to be agreeable with sence.

Howsoever, it is untrue that the courts were at all so long put off, for, although by the orders of the Companies in the long vacations there may be a cessation of meetings except upon extraordinary and pressing occasions, yet that year, by reason of sending out divers ships and with them directions to Virginia and the Somer Islands, the courts met more frequent than they usually had done at any such times heretofore, and for any thing could appear to the Companies, though there were divers old Virginia planters here and 700 new, all which were to go thither after this conclusion of this contract, yet not one man appeared or shewed himself to be grieved or discontented therewith.

It was confidently alledged that the Virginia planters had earnestly desired of his Majesty to bring all their tobacco into England, and that this petition was by the officers of the Company suppresst.

No man that ever saw this petition, and hath not a mind wil-

fully to put injuries upon the Companies, could ever scrue or force this sence out of it, and this will easily appear by the original petition itself now remaining in the hands of the Lord Treasurer.

But the occasion of the petition of the planters was this, that by reason of some monopolizing the whole trade of tobacco, those of Virginia as well as any other were by a proclamation forbidden to bring in tobacco but upon such conditions as the patentees would enforce upon them, which occasioned this petition containing an humble suit to your Majesty that they might not be restrained from venting of their commodities, and the reason why this petition was not delivered was that before our receiving of this petition that restraint by the proclamation was already taken off.

To disgrace the proceedings of the Companies, they alledge that no business can be done in the courts by reason of faction and wrangling.

It is an odd thing for men to complain of that wherein themselves are principally faulty. But with so general an extent the objection is untrue, for these four years past the courts have been carried so peaceably and quietly as can hardly be paralelled in any assembly consisting of such a number.

But withal it is true that divers discontented persons, who now have joined themselves together in impugning the contract, have waited for all manner of occasions to work disturbance and trouble in the Companies, whose faces for divers years together have not been seen in courts save only at such times as when they come to raise a tempest. But the causes of their several discontents and ill-affections shall in their due places hereafter more at large appear.

In the meantime in this answer we will only observe this, that when they have mustered their forces together and sent for their strength out of the country there is at the most but 26 opposites to the courts, whereas the Virginia Company consists of near one thousand persons, whereof many times two hundred assemble at once, and the Somer Islands Company of above one hundred and twenty several adventurers, and many times 70 or 80 assemble at one court, so that whatsoever they have alledged as faction in the Companies must needs reflect on themselves, because in all societies well managed the major part doth always

invoke the consent of the lesser, which opposing make themselves thereby the party factious.

They alledge that the Government as it now stands is democratical and tumultuous, and therefore fit to be altered and reduced to the hands of some few persons.

The Government is no other than by your Majesty's letters-patents is prescribed unto us, and it is a bold censure thus to tax a Government ordained and constituted by such authority. But because their allegation is a slander, for the Government is not democratical.

For first, we have not supream authority over the people of the plantations, but govern them by authority derived from you under your Majesty and according to your laws as near as may be, and are accomptable to your Majesty therefore, and that Government cannot be termed democratical where the King only hath absolute power and where the people swear allegiance only to him, but is truly monarchical.

Secondly, the Companies are so far from having absolute power that when any of them have committed offences of what high nature soever, as hath appeared lately by two notorious examples, if he escape punishment in the plantations, where they have power by your Majesty's letters-patents to punish him, they may here outface the Companies, as they do, and they have no means of redress but by appealing to higher justice.

It is true that, according to your Majesty's institutions in their letters-patents, the Government hath some shew of a democratic form, which is in this case the most just and most profitable and the most apt means to work the ends and effects desired by your Majesty for the benefit, wealth and increase of those plantations, by which the profit of your Majesty, the adventurer and planter will rise together.

Most just, because these plantations, though furthered much by your Majesty's grace, yet being not made at your Majesty's charge and expense but chiefly by the private purses of the adventurers, they would never have adventured in such an action wherein they interess their own fortunes if in the regulating and governing of their own business their own vote had been excluded.

And most profitable for the advancing on of the plantation, because of the great supplies which the necessitys of the people

there often require and cannot be sent but by the purses of money, who if a few had the managing of the business would, and that not without reason, leave them unsupplied; and whereas they cry out against democracy and call for olygarchy, they make out the Government thereby of better form or more monarchical.

And to discern what is the judgment of a Company, if there be not unanimity, there is no way but by plurality of voices, and if plurality of voices were not, there would scarcely at any time in any point be unanimity in any assembly, that unanimity that is proceeding for the most part from despair of prevailing in their private opinions or from shame to discover oppositions to public good.

But this objection sufficiently discovers that they desire to draw all things into their own power, to which end there hath of late been a conspiracy plotted in the Somer Islands and undertaken to be prosecuted here by the Governor, Captain Butler, who is newly returned, wherein he finds corresponding here at home by some who have openly professed that they desire the same.

For the tumultuousness objected, it is answered unto before in the objection of faction, and appears to proceed only from themselves.

Having thus given answers to the seeming most material scandals and imputations, hoping those of lesser consequence, when the greater are so manifestly disproved, as before, have left both their weight and relief, we are now to discover the true causes, though disguised by the opposers, why these 26 much labour to disgrace the Government, and, in effect, to bring to ruin both the plantations by their secret whisperings and insinuations, and by their continual underhand practices to put upon the Companies those faults which in the courts they dare never maintain, but qualifyed with such distinctions as amount to a denial of that which they have been conscious to have spoken in other places to the Company's prejudice.

And this your Majesty may be pleased to understand further, that though it be true that of late these 26 have shuffled and made a great noise in the Somer Islands court, where they are almost a fourth part of the Company, yet in the Virginia courts, consisting of a greater number, they have seldom offered any disturbance and opposition to the proceedings there.

The first cause of these men's malice proceeds from the ill affection of the old officers of the Companys, out of whose hands (the plantations having not well thrived under them) the government was necessarily taken, and the prosperity of the same since appearing, and the benefit of that removal implying a proof of their misgovernment hath so offended them that now they endeavour to cover that fault the better by publick disturbances and private practise and consideration to hinder the present prosperity and hopeful encrease of the plantations. In particular for the plantation of Virginia, how it declined then and hath encreased and prospered since, we remit in this place to the declaration of the present State of Virginia.

But this change in the officers and great change in the state of the plantations hath stirred up so much envy in them, as they have not forborn, by frequent imputations laid on by themselves, by setting to their hands in attestation of most false and scandalous petitions, by sometimes procuring complaints against the courts, and by publick encouragement and protection of persons declared enemies to the Companies, to bring the present managing of the plantations into confusion and disgrace.

The second cause is that the principal of these citizens, and some others that mean themselves into this opposition party, which are but few, are, for the most part, such as have heretofore born office in one or both of the Companies, either here or in the plantations, who having not cleared their accompts of which are very suspicious, and being prest by the Companies, do use all the art that malice can invent to do prejudice to and cause disturbance in the present government, by that means to shroud themselves from a due and quiet examination, and so in the storm and confusion to go away, as by this means they have done, undiscovered.

Thirdly, some other of these opponents, and of other rank, have had their hands partly in spoiling the plantations of Virginia and setting out a ship called the Treasurer for robbing into the West Indies, and partly in abetting and protecting those that have so done, and that with violence, to the great offence, scandal and loss of the Company, and their ends not fully answering their hopes hath caused them to abandon the courts for Virginia, save only in point of procuring their trouble by that means

to keep the Company from leisure to call such offences into question.

And it is very apparent that whosoever is an enemy or hath done wrong to the Company hath recourse to and is protected by some of those opponents.

And in this manner for these causes, which may be fixed upon most of the 26; those few that remain are either servants or have necessary dependency upon some of the rest.

But these persons, by this opposition, have sufficiently declared their want of care for the good of the plantations, in that having endeavoured to overthrow the contract, which, by the matter of sole importation, must needs have been of inestimable comfort to both the plantations by venting of that one commodity of tobacco, to the value at least one hundred thousand pounds a year, have yet to this day instead thereof offered a new proposition for the good of the plantations, but rest only content with destroying of that which was before established.

But if it would please your most sacred Majesty, seeing that the principal ends of the Companies, in following the business of these plantations, are for the honour of your Majesty's times in propagating Christian religion in those barbarous parts, for the enlargement of your dominions, for the encrease of your reverence, for the enriching of your people and for the future strength of this State, to give continuance and encouragement to our proceedings, to believe well of the Companies, and not to give credit to purposed informations of the members, or since, by their procurement against the bodies of the Companies, to give some testimony of your gracious opinion and acceptance of our endeavours, by letter or otherwise, which might be to the honour and strengthening of the Companies, and that the rather because this late great breach hath been occasioned by their forwardness so exceedingly to advance your Majesty's profit, thereby hoping to have gained your Majesty's gracious good opinion and protection; and if your Majesty would be pleased further to think it fit to declare your future intentions, that for the business of the courts the courts shall be left freely to govern themselves according to their laws and letters-patents, and withall to give presently some direction and order to the Lords of your Council that if there be any such private conspiracy, confederacy or

opposition as the Companies can neither remedy nor punish, they then to help them in the remedy and punishment of the same; and lastly, for such as having been accused of heinous crimes committed in the plantations, and have by undue means and practice gotten hither, and here brave the Companies, to extend your Majesty's power and send them back to the plantations, there to receive their just tryals; the Companies through these favours shall be enabled, by being freed from these distractions, cheerfully to proceed, and in short time so to advance these plantations as shall give your Majesty great content and cause to believe that these your favours have been well disposed and rightly used.

And for the drawing up of the said petition, and for the perfecting of the former writings (according to the alterations and amendments made in court), unto the former Committee were adjoined these following,

| | |
|---|---|
| Sir Edwin Sandys, | Mr. Berblock, |
| Sir Edward Harwood, | Mr. Withers, |
| Mr. John Smith, | Mr. Copeland, |
| Mr. White, | Two Deputies, |

who were entreated to meet that afternoon thereabout.

Mr. Deputy propounded Sir Walter Rawleigh's son[13] to be admitted into this Company, which in regard his father was the first discoverer of Virginia was generally well liked of.

After this, a Somer Islands court being held on the same 12th of April, 1623, the Lord Cavendish taking the chair propounded the things done by the Virginia Company unto the Somer Islands court, who by erection of hands did confirm, order and approve those things that concerned them :

---

[13] Carew, son of Sir Walter Raleigh, born in the Tower of London in 1604; educated at Wadham College, Oxford; travelled until the death of King James I. His inheritance, the manor of Sherborne, having been given to Lord Digby, he was granted a pension of £400. He married the widow of Sir Anthony Ashley, and had issue two sons and three daughters. In 1645 he wrote a vindication of his father, published as "A Brief Relation of Sir Walter Raleigh's Troubles." In 1656 he printed his "Observations on Sanderson's History of King James" also the author of some sonnets and other minor compositions. In 1659 he was appointed Governor of Jersey, and dying in 1666 was buried in the same grave with his father at St. Margaret.

*To the King's most excellent Majesty:*

The most humble petition of the Companies for Virginia and the Somer Islands:

Your Majesty's most humble suppliants having understood that Alderman Johnson had lately presented a petition to your Majesty, therein abusing your Majesty with most untrue informations touching your suppliants and to the derogation of the government, which, under the royal power of your Majesty, they exercise for the advancing of your Majesty's royal plantations, forasmuch as your suppliants have requested of the said alderman a copy of the said petition, thereby to be enabled to frame a direct and certain answer to it to the satisfying of your Majesty (which they affect above all things), can by no means obtain the same, they humbly desire that your Majesty will be graciously pleased to refer the hearing of the complaints of the said alderman and his associates to the body of your Majesty's most honorable Privy Council, that from thence the innocent may receive justification and the delinquents deserved punishment; and they also most humbly pray that your Majesty in the meantime will be graciously pleased to receive a true information by two writings herewith presented, the same having been examined and perused in their courts and found true by the general vote of both the Companies; the one containing a declaration of the present state of Virginia compared with that which it hath formerly been, and the other containing an answer to all such calumnies and aspersions, wherewith some of the associates of the said aldermen (who have been also for sundry years the disturbers of the orderly and peaceable proceedings of the said Companies) have unjustly charged your said suppliants or some of them.

And your suppliants having the comfort of your Majesty's being satisfyed and assured of the continuance of your princely favour (being the life and joy of both Companies and plantations) shall proceed with all integrity, industry, patience and constancy in advancing those noble works so much tending to your Majesty's greatness, honour and profit; and shall dayly also pray for your Majesty's most long continuance in all princely felicities.

At an extraordinary court held the 17th of April, 1623, the Lord Cavendish acquainted the Company that himself and the rest had delivered the Companies' petition, together with the declaration and relation ordered by the last court, unto his Majesty, who referred it unto the Lords of the Privy Council, before whom himself and divers others of the Company had been that morning, and by their order caused this court to be warned, to consider of letters to be written to both the plantations by the several Companies, which letters his Lordship said it was the Lords' pleasure should not make any manner of mention of any dissention and disturbances here at home, whereby the plantations might be put into any fear or discomfort, but contrarily should be assured of not only the continuance but increase of his Majesty's royal favour towards them; and further, his Lordship acquainted them that the Lords commanded him to signify and give warning in the court to all particular members of the Company that none of them should upon their allegiance dare to write anything to either of the plantations concerning matters of differences and division that had passed here at home, or any thing that might dishearten them and give them discouragement, or anything contrary to the public letters, and if they had already written that they should recal their letters; hereupon the court, after some deliberations, agreed upon certain general heads of letters, according whereunto Mr. Deputy was entreated to draw up the letters against to-morrow in the afternoon, when the courts would meet about that business only.

Sir Nathaniel Rich propounded, that accordingly as he had in the court of the second of April moved the Companies would petition for the sole importations of tobacco, except only 40,000 weight of Spanish tobacco to be yearly brought in, which he said there was hope might be obtained; which proposition the former court did not agree unto, in regard that they conceived that it was the intention of the State so to stint foreign tobacco that no more than 40,000 weight of Spanish tobacco should be brought in yearly, and thereupon it was not conceived any ways prejudicial to them, though the 40,000 weight was brought in by others.

But now the Companies being given to understand that there was likely to be a free importation of all sorts of foreign tobacco without stint; and that there was a proclamation shortly to come

*To the King's most excellent Majesty:*

The most humble petition of the Companies for Virginia and the Somer Islands:

Your Majesty's most humble suppliants having understood that Alderman Johnson had lately presented a petition to your Majesty, therein abusing your Majesty with most untrue informations touching your suppliants and to the derogation of the government, which, under the royal power of your Majesty, they exercise for the advancing of your Majesty's royal plantations, forasmuch as your suppliants have requested of the said alderman a copy of the said petition, thereby to be enabled to frame a direct and certain answer to it to the satisfying of your Majesty (which they affect above all things), can by no means obtain the same, they humbly desire that your Majesty will be graciously pleased to refer the hearing of the complaints of the said alderman and his associates to the body of your Majesty's most honorable Privy Council, that from thence the innocent may receive justification and the delinquents deserved punishment; and they also most humbly pray that your Majesty in the meantime will be graciously pleased to receive a true information by two writings herewith presented, the same having been examined and perused in their courts and found true by the general vote of both the Companies; the one containing a declaration of the present state of Virginia compared with that which it hath formerly been, and the other containing an answer to all such calumnies and aspersions, wherewith some of the associates of the said aldermen (who have been also for sundry years the disturbers of the orderly and peaceable proceedings of the said Companies) have unjustly charged your said suppliants or some of them.

And your suppliants having the comfort of your Majesty's being satisfyed and assured of the continuance of your princely favour (being the life and joy of both Companies and plantations) shall proceed with all integrity, industry, patience and constancy in advancing those noble works so much tending to your Majesty's greatness, honour and profit; and shall dayly also pray for your Majesty's most long continuance in all princely felicities.

At an extraordinary court held the 17th of April, 1623, the Lord Cavendish acquainted the Company that himself and the rest had delivered the Companies' petition, together with the declaration and relation ordered by the last court, unto his Majesty, who referred it unto the Lords of the Privy Council, before whom himself and divers others of the Company had been that morning, and by their order caused this court to be warned, to consider of letters to be written to both the plantations by the several Companies, which letters his Lordship said it was the Lords' pleasure should not make any manner of mention of any dissention and disturbances here at home, whereby the plantations might be put into any fear or discomfort, but contrarily should be assured of not only the continuance but increase of his Majesty's royal favour towards them; and further, his Lordship acquainted them that the Lords commanded him to signify and give warning in the court to all particular members of the Company that none of them should upon their allegiance dare to write anything to either of the plantations concerning matters of differences and division that had passed here at home, or any thing that might dishearten them and give them discouragement, or anything contrary to the public letters, and if they had already written that they should recal their letters; hereupon the court, after some deliberations, agreed upon certain general heads of letters, according whereunto Mr. Deputy was entreated to draw up the letters against to-morrow in the afternoon, when the courts would meet about that business only.

Sir Nathaniel Rich propounded, that accordingly as he had in the court of the second of April moved the Companies would petition for the sole importations of tobacco, except only 40,000 weight of Spanish tobacco to be yearly brought in, which he said there was hope might be obtained; which proposition the former court did not agree unto, in regard that they conceived that it was the intention of the State so to stint foreign tobacco that no more than 40,000 weight of Spanish tobacco should be brought in yearly, and thereupon it was not conceived any ways prejudicial to them, though the 40,000 weight was brought in by others.

But now the Companies being given to understand that there was likely to be a free importation of all sorts of foreign tobacco without stint; and that there was a proclamation shortly to come

forth to that purpose, which formerly they did not expect nor imagine; it was unanimously adjudged that that would be the utter overthrow of the plantations, for that thereby the tobacco would be brought down to nothing. Whereupon, it was thought most necessary to seek and endeavour by all possible means to prevent the free importation, and since it could not be hoped to obtain an absolute restraint, yet at least to petition his Majesty and the Lord Treasurer that it might be limitted to 40,000 weight, and that in lieu of this limitation they would willingly here agree and bind themselves to bring in all their tobacco hither, and do their best to persuade the colony to do the like; whereupon the order following being propounded was by erection of hands agreed unto.

Whereas the Companies here for Virginia and the Somer Islands had advertisement of the continuance of the Lord Treasurer's noble favour to the plantation's advancement, they humbly entreat the

| | |
|---|---|
| Earl of Warwick, | Mr. Alderm. Johnson, |
| Lord Cavendish, | Mr. Gibbs, |
| Sir Edward Sackvill, | Mr. Ditchfield, |
| Sir Edwin Sandys, | Mr. Palavicnie, |
| Sir Nathaniel Rich, | Mr. Bennett, |
| Sir John Davers, | Mr. Canninge, |
| Sir John Bourchier, | Mr. Dike, |

to go to the Lord Treasurer, and in their names to petition humbly his Lordship to be a means to his Majesty that they may have the sole importation of tobacco into England, with exception only of 40,000 weight of Spanish tobacco to be brought in yearly, for which they will, for themselves, here undertake to bring in all their tobacco, and do their best to persuade the colonies to agree thereunto in regard of the benefit of sole importation, and if the colony shall not consent thereunto, then the bargain to be dissolved. And they are likewise humbly entreated to desire that the Companies may have the refusal of bringing in the 40,000 weight of Spanish tobacco.

At a court held for Virginia and the Somer Islands on the 18th of April, 1623, the Lord Cavendish acquainted the Company that the committee appointed by the last court having had some conference with the Lord Treasurer about that proposition and

UNIVERSITY OF CALIFORNIA

request, which the said court was desired should be made to his Lordship in the name of the Companies, vizt: that he would be a means to his Majesty that they may have the sole importation of tobacco into England, with the exception only of 40,000 weight of Spanish tobacco, which proposition and request his Lordship having read (being delivered unto him as it is set down in the former court), said he would acquaint the King therewith and they should receive an answer within a few days, his Lordship professing he bore such love unto the plantations that although he was the King's Majesty's public officer, yet he would be contented to decline somewhat from his Majesty's profit for the good of the plantations. And being further moved that his Lordship would be a means for the 400 young persons formerly promised to be sent to Virginia, his Lordship seemed well disposed to forward that suit whensoever the Company should petition for them.

Hereupon it was moved by some that it might now be taken into consideration whether it were not fit to petition the Lords for the said 400 persons; but it was rather thought fit to respite the same for a while, until they may be better informed of the state of the country and colony in Virginia, and whether the air be so unwholesome and unhealthful for people to live in as hath been of late confidently reported to his Majesty.

It being now almost five o'clock, it was, upon motion, generally agreed and ordered by either Company that both courts should be continued till businesses were ended. Mr. Deputy being entreated by the last Virginia and Somer Islands court to draw up the publick letters, according to those general heads which were then agreed on, did now present the same to be read.

Whereupon there was first read a draught of a letter to the Governor and Council of Virginia, which, being weighed, was, by a general erection of hands, approved and ordered to be presented to the Lords of the Council. In like manner the general letter to the Governor and Council of the Somer Islands was read, and, by general erection of hands, approved. The court entreating the Lord Cavendish and the rest of the committee appointed by the former court to present the said letters unto the Lords of the Council some time to-morrow in the afternoon, as their Lordships had appointed.

At a court held the 23d of April, 1623, Sir John Brooke, Mr.

White and Mr. Ditchfield were by the court desired to go tomorrow morning to the Lord Treasurer, in the Company's name, humbly to desire the continuance of his Lordship's favour for the attaining of the Companies' suit, that there be no more than 40,000 of Spanish tobacco to be brought in yearly; and further, to acquaint his Lordship with the great damage and inconvenience that ariseth to the poor passengers that lye at the Isle of Wight by delay of the ship, and humbly, therefore, to beseech his Lordship that the Lords' letter may be expedited that accordingly the ship might be dispatched; and further, humbly to acquaint his Lordship that concerning those additions required in Mr. Dickenson's letters that, although they do not know of any division or distraction in the colonies, yet in obedience to his Lordship's command they will add a clause to that effect, and for certifying them of the course appointed by his Majesty for their good and redress of all inconveniencies they will send the Lords' order if his Lordship please; but for the two first points to signify unto them, that the contract is dissolved and that there must be a free importation, they conceive that the last point will be the most discomfortable news unto the colonies that possibly can be, it being generally adjudged in their courts and confessed by them that have most opposed the contract that if there be a free importation of tobacco, and yet the colonies bound to bring in all, that their tobacco will come just to nothing and that the plantations will be utterly ruined; wherefore the Companies most humbly desire they may not be pressed to signify or say anything concerning the breach of the contract, except they may give assurance of this new favour for which they are suitors.

They are humbly also to desire his Lordship that the order may be explained and set down concerning the next sending any letters, the Company conceiving that at Council table the Lords did not only forbid them to write any letters concerning any contentious business here at home, but that they did absolutely give them leave to write touching their own particular and private affairs, which, without advise by letters, would suffer much prejudice and damage, and be a cause of infinite grief and discontent to the colonies to receive no letters from them.

The Lord Cavendish acquainted the court that whereas a petition was delivered to his Majesty by Mr. Alderman Johnson, as also an information by Captain Butler, termed by him The Un-

masked Face of our Colony of Virginia, which was the occasion the Company likewise presented to his Majesty their two writings, viz: the declaration and relation, together with a petition, joining therein with Mr. Alderman in the issue of his petition, namely, that the examination and rectifying of the matters complained of might be referred to the Lords of the Council; which petition of Mr. Alderman Johnson and his associates and information of Captain Butler, being now sent unto the Company, his Lordship propounded they might be read and afterwards some course thought on for preparing of matters in answer thereunto against the sitting of the commissioners.

Whereupon Mr. Alderman Johnson's petition was first read, being as followeth:

*To the King's Most Excellent Majesty:*

The humble petition of sundry the adventurers and planters of the Virginia and Somer Islands plantations:

*Most Gracious Sovereign:*

Amongst the many memorable works of your Majesty's gracious reign, those of the plantations of Virginia and the Somer Islands are not the least, the beginning of which enterprize being the first foreign colony planted by our nation, accompanied with so great a charge to furnish ships and men and to make yearly new supplies without any present hope of retribution, was sufficient at the first view and computation to have discouraged the most resolute and forward adventurer, but by God's assistance and your Majesty's gracious encouragement, with that discreet and mild government first nominated and appointed by your Majesty, all sorts of men were in such kind and friendly manner invited to engage themselves that notwithstanding many difficulties that great action (which otherwise had perished in the birth) not only took life and being but proceeded in a most hopefull and comfortable course for many years together, with unity and love amongst ourselves and quiet entertainment of those savage Indians, by which endeavours sundry of those infidels and some of eminent sort were converted to Christian religion; staple commodities began to be raised and imported into this kingdom, as iron, sturgeon, caveary, soap and pot-ashes, masts for ships,

clapboards, pipe-staves, wainscott, wine, pitch and tar, and that most desired work of silkworms. These were the blessings then upon our peaceable proceedings.

But we know not how it is of late years come to pass that notwithstanding your Majesty's subjects have been in great multitudes exported to the plantations, yet the said commodities and other the fruits of the works do not appear as in former times, our unity and peace at home is turned to civil discord and dissention among ourselves and our colony in Virginia, and divers of the ancient adventurers and planters conceive themselves many ways injured, abused and oppressed. In which respect, fearing that the utter ruin and destruction of those great works is like to follow without the help of a supream hand, and not thinking fit to trouble your sacred ears with particular complaints, we are forced for remedy to appeal to your most excellent Majesty.

Humbly praying that some worthy personages, whom your Majesty shall please, may be appointed and nominated by your commission under the great seal of England, who, by oath or otherways, by all lawful means and ways, may enquire and examine the true estate of the plantations at the time when Sir Thomas Smith left the government of the said Company ; and all incidents thereunto belonging, as also what moneys since that time have been collected for the plantations, and by whom; how the same have been procured and expended, and what, after the expense of so much money, is the true estate and condition of the said plantations at this present. As also to enquire into all abuses and grievances, concerning the former particulars, and of all wrongs and injuries done to any the adventurers or planters and the grounds and causes thereof, and to propound how the same may in time come to be reformed, and how the business of the said plantations may be better managed ; so that all dissentions and difficulties being reconciled, the authors thereof condignely punished, unity and peace resettled, and the form of governing and directing these affairs being better established, that work may prosper with a blessing from heaven to your Majesty's great honour and profit, and to those religious and public ends for which they were first undertaken.

Next was read Captain Butler's dismasking of Virginia, being as followeth :

*The unmasking of our Colony in Virginia as it was in the winter of the year 1622.*

I found the plantations generally seated upon meer salt marshes, full of infectious boggs and muddy creeks and lakes, and hereby subjected to all those inconveniences and diseases which are so commonly found in the most unsound and most unhealthy parts of England, whereof every country and climate hath some.

I found the shores and sides of those parts of the main river, where our plantations are settled, every where so shallow that no boats can approach the shores; so that besides the difficulty, danger and spoil of goods in the landing of them, the poor people are forced to the continual wading and wetting themselves, and that in the prime of winter, when the ships commonly arrive, and thereby get such violent surfeits of cold upon cold as seldom leave them until they leave to live.

The new people that are yearly sent over, which arrive here for the most part very unseasonably in winter, find neither guest-house, inn, nor any the like place to shroud themselves in at their arrival; no, not so much as a stroke given towards any such charitable work, so that many of them, by want hereof, are not only seen dying under hedges and in the woods, but being dead lye some of them for many days unregarded and unburied.

The colony was this winter in much distress of victual, so that English meal was sold at the rate of thirty shillings a bushel, their own native corn, called maize, at ten and fifteen shillings ℔ bushel, the which, howsoever it lay heavy upon the shoulders of the generality, it may be suspected not to be unaffected by some of the chief, for they only having the means in those extremities to trade with the natives for corn, do hereby engross all into their own hands, and so sell it abroad at their own prices, and I myself have heard from the mouth of a prime one among them that he would never wish that their own corn should be cheaper amongst them than eight shillings the bushel.

Their houses are generally the worst that ever I saw, the meanest cottages in England being every way equal (if not superior) with the most of the best, and besides, so improvidently and scatteringly are they seated one from another, as partly by their distance, but especially by the interposition of creeks and

swamps, as they call them, they offer all advantages to their savage enemies, and are utterly deprived of all sudden recollection of themselves upon any terms whatsoever.

I found not the least piece of fortification; three pieces of ordnance only mounted at James City, and one at Flowerde Hundreds, but never a one of them serviceable, so that it is most certain that a small bark of a hundred tun may take its time to pass up the river in spite of them, and coming to an anchor before the town may beat all their houses down about their years, and so forcing them to retreat into the woods may land under the favour of their ordnance and rifle the town at pleasure.

Expecting, according to their printed books, a great forwardness of divers and sundry commodities at mine arrival, I found not any one of them so much as in any towardness of being, for the iron works were utterly wasted and the men dead, the furnaces for glass and pots at a stay, and small hopes; as for the rest they were had in a general derision even amongst themselves, and the pamphlets that had published their, being sent thither by hundreds, were laughed to scorn, and every base fellow boldly gave them the lye in divers particulars; so that tobacco only was the business, and for ought that I could hear every man madded upon that little thought or looked for anything else.

I found the ancient plantations of Henrico and Charles City wholly quitted and left to the spoil of the Indians, who not only burnt the houses, said to be once the best of all others, but fell upon the poultry, hogs, cows, goats and horses, whereof they killed great numbers, to the great grief as well as ruin of the old inhabitants, who stick not to affirm that these were not only the best and healthiest parts of all others, but might also, by their natural strength of situation, have been the most easily preserved of all others.

Whereas, according to his Majesty's most gracious letters-patents, his people are as near as possibly may be to be governed after the excellent laws and customs of England, I found in the Government here not only ignorant and enforced strayings in divers particulars, but wilful and intended ones; in so much as some who urged due conformity have in contempt been termed men of law, and were excluded from those rights which by orderly proceedings they were elected and sworn unto here.

There having been, as it is thought, not fewer than ten thou-

sand souls transported thither, there are not, thro' the aforementioned abuses and neglects, above two thousand of them to be found alive at this present * * many of them also in a sickly and desperate estate. So that it may undoubtedly be expected that unless the confusions and private ends of some of the Company here, and the bad execution in seconding them by their agents there, be redressed with speed by some divine and supream hand, that instead of a plantation it will get the name of a slaughter-house, and so justly become both odious to ourselves and contemptible to all the world.

Which being read, it was thought fit, for satisfaction of such as seemed to be much discouraged with this his confident report touching the unhealthiness of the country and ill-seating of the colony in Virginia (it being by some persons of worth informed that upon this information there was like to be a stay of many hundreds that were preparing to transport themselves), to hear the reports of such as had been long and often in Virginia. Whereupon divers being now present in court were asked particularly, who affirmed, upon their certain knowledge, that at every plantation by and near about that river they may land with boats drawing three foot water from half flood to half ebb safe and dry without wetting their foot; and further, that they find by their own experience the air there as wholesome and the soil for the most part as fertile as in any place in England or in any country wheresoever they have travelled.

But for the further preparing of the answers, as well to this information as also to the petition of Alderman Johnson and his associates, and likewise for giving the charge and making the remonstrance of the proceedings of the former years and these latter four years, which the Company were to defend, it was resolved that since it would be too tedious and impossible to pass these things in public courts, that it should be done by way of committees. But because the parts of these businesses were very many, and therefore needed the help of many heads, and considering that it was the defence and upholding of the whole Company, and every man had interest therein one way or other, it was therefore ordered, by erection of hands, that there should be first a great committee of the whole Company in general, whence no man (free of the court) should be excluded, but only those who,

by the delivery of the petition and information, had made themselves the Company's accusers, which, since they still maintained it, was not any way reasonable they should be at their meetings and consultations when the Company were to prepare their own defence or give these opposers their charges. To which divers of them being present, and in particular Alderman Johnson being present, did agree, saying that they did not desire to be present at any of the meetings of the Company to this purpose, and thereupon himself and divers others departed the court. It was likewise ordered that there should be chosen one to moderate businesses in this great committee, and it was thought fit, in regard the meetings were like to be many and long, that he should have an assistant to help him, and to supply his place upon occasion of his absence. It was likewise ordered that this great committee should have power to substitute and ordain sub-committees for the expediting of particular businesses, that by the parting of things among them they might be the speedier and better accomplished; and that these sub-committees should bring their labours and endeavours to the great committee, and being by them approved, should be presented unto the general court. It was likewise ordered, by erection of hands, that for these businesses the Council might assemble themselves, excluding those from their said meetings who, being of the Council, had joined with Alderman Johnson in accusing the Government and proceedings of the Company these four last years.

At a court held on the 25th of April, 1623, Sir John Brooke, Sir John Bourchier and Mr. White are desired to repair to the Lord Treasurer, and to shew his Lordship the additions made to the letter according to his Lordship's order, and humbly beseech his Lordship that the ship be expedited, the delay whereof being the utter undoing of many poor passengers that lie at the Isle of Wight, which they signified by a messenger purposely sent up to entreat the Company to procure the dispatch of the ship, they having laid out and bestowed all that they are worth in providing for their voyage and nothing left to maintain them there ashore; upon which great and pressing occasion divers of the Council and Company, to the number of fifty, being assembled together in a general committee of the whole Company, thought fit to make the committee a court for the passing of this business only; and they are also further desired, in the Companies' names,

humbly to beseech his Lordship not to give any credit to any informations that shall be given his Lordship concerning any unrespective or undutiful passages in their courts against his Lordship or the Lords of his Majesty's Privy Council's proceedings or acts, to which, with all due obedience, they submit themselves. And for the particular information given his Lordship against the Deputy, that he should be so bold as to put it to the question whether the Companies would bring in all their tobacco since that time their Lordships had ordered that all should be brought in, they are desired in the name of the whole court to testify to his Lordship that that was an untrue information, and that there hath not been any such question put, nor anything tending to that purpose since their Lordships' order.

At a court held the last of April, 1623, the Lord Cavendish acquainted the Company that divers ancient planters, masters of ships, mariners and sundry other persons that had lived long in Virginia and have been many times there, had presented the great committee with an answer to Captain Butler's information concerning the colony in Virginia, wherein they did contrary directly the most main points of his information, proving them to be false and scandalous, which was by erection of hands ordered to be read, being this which followeth :

*The answer of divers planters that have long lived in Virginia, as also of sundry mariners and other persons that have often been at Virginia, unto a paper entitled, "The Unmasked Face of our Colony in Virginia as it was in the Winter of the Year 1622" :*

1. I found the plantation generally seated upon meer salt marshes full of infectious bogs and muddy creeks and lakes, and thereby subjected to all those inconveniences and diseases which are commonly found in the most unsound and most unhealthy parts of England, whereof every country and clymate hath some.

1 Answer. We say that there is no place inhabited but what is conveniently habitable, and for the first plantation, which is Kiccoughton against which (if any be) most exception may be made, it is every way so well disposed that in that place well governed men may enjoy their healths and live as plentifully as in any part of England or other his Majesty's dominions, yet that there are marshes in some places we acknowledge, but so as they are more commodious for divers good respects and uses than if

they were wanting. As for boggs we know of none in the country, and for the rest of the plantations, as Newport News, Blunt Point, Wariscoyake, Martin's Hundred, Paspakey and all the plantations over against James City, and all the plantations above these, which are many, are very fruitful and pleasant seats, free from salt marshes, being all on the fresh river, and they are all very healthful and high land except James City, which is yet as high as Deptford or Ratcliff.

2. I found the shores and sides of those parts of the main river, where our plantations are settled, everywhere so shallow as no boats can approach the shores; so that besides the difficulty, danger and spoil of goods in the landing of them, the people are forced to a continual wading and wetting of themselves, and that in the prime of winter when the ships commonly arrive, and get such violent surfeits of cold upon cold as seldom leave them until they leave to live.

Answer 2. That generally for the plantations at all times, from half flood to half ebb, any boat that drew between 3 or four feet water may safely come in and land their goods dry on shore without wading; and for further clearing this false objection the seamen there do at all times deliver the goods they bring to the owners dry on shore, whereby it plainly appears not any of the country people there inhabiting are by this means in danger of their lives; and at a great many plantations below James City, and almost all above, they may at all times land dry.

3. The new people that are yearly sent over, which arrive here for the most part very unseasonably in winter, find neither guest-house, inn nor any the like place to shroud themselves in at their arrival, nor not so much as a stroak given towards any such charitable work, so that many, for want hereof, are not only seen dying under hedges and in the woods, but being dead lye some of them for many days unregarded and unburied.

3 Answer. To the first they answer that the winter is the most seasonable and healthful time for arrival of new comers. True it is that as yet there is no guest-house or place of entertainment for strangers, but we aver that it was a late intent, and had by this time been put in practice, to make a general gathering for building of such a convenient house which, by this time, had been in good forwardness had it not pleased God to suffer this

disaster to fall out by the Indians. But although there be no public guest-house, yet are new comers entertained and lodged and provided for by the Governor in private houses. And for any dying in the fields (through this defect) we are ignorant of, as also of their lying unburied. Yet, that many dye suddenly by the hand of God, we often see it fall out so even in this flourishing and plentiful city, in the midst of our streets; as for dying under hedges, there is no hedge in all Virginia.

4. The colony was this winter in much distress of victuals, so that English meal was sold at the rate of thirty shillings the bushel, their own native corn, called maize, ten and fifteen shillings the bushel; the which, howsoever it lay heavy upon the shoulders of the generality, it may be suspected not to be unaffected by some of the chief, for they only haveing the means in these extremities to trade for corn with the natives, do hereby engross all into their hands, and so sell it abroad at their own prices; and myself have heard from the mouth of a prime one amongst them that he would never wish that their own corn would be cheaper amongst them than eight shillings the bushel.

Answer 4. True it is that English meal hath of late, since the massacre, been sold for ten pounds of tobacco the bushel, which no understanding man can value there at above fifteen shillings sterling, and here we find (without a massacre) by the judgment of God, for our murmuring at plenty, wheat hath this year been sold, and still is in many places, at three times the rate it hath been within two or three years last past; and again, Indian corn hath heretofore been sold after the rate of five shillings the bushel; and farther, meal bore so high a price this year as it cost ready money in England, together with the freight and other charges, near upon twelve shillings, so that if it were sold for ten pounds of tobacco there will be gained twenty in the hundred.

5. Their houses are generally the worst that ever I saw, the meanest cottages in England being every way equal (if not superior) with the most of the best; and besides, so improvidently and scatteringly are they seated one from another, as partly by their distance, but especially by the interposition of creeks and swamps, as they call them, they offer all advantages to their savage enemies, and are utterly deprived of all sudden recollection of themselves upon any terms whatsoever.

Answer 5. First, that the houses there were most built for use and not for ornament, and are so far from being so mean as are reported, that throughout his Majesty's dominions here all labouring men's houses (which we chiefly profess ourselves to be) are in no wise, generally for goodness, to be compared unto them; and for the houses of men of better rank and quality, they are so much better and convenient that no man of quality, without blushing, can make exception at them; as for the creeks and swamps, every man there that cannot go by land hath either a boat or canoe for his conveyance and speedy passage to his neighbour's house; as for cottages, there are none in Virginia that they know.

6. I found not the least piece of fortification; three pieces of ordnance only mounted at James City and one at Flower de Hundred, but none of them serviceable, so that it is most certain a small bark of one hundred tuns may take its time to pass up the river in spite of them, and coming to an anchor before the town may beat all their houses down about their ears, and forcing them to retreat into the woods may land under the favour of their ordnance and rifle the town at pleasure.

Answer 6. It is true there is as yet no other artificial fortification but pallisadoes, whereof almost every plantation hath one, and divers of them have trenches, and this last year Captain Each was sent for that purpose. As for great ordnance, there are four mounted at James City, and all serviceable; there are six mounted at Flower due Hundred, all of them likewise serviceable; three mounted at Kiccotan, and all of them serviceable; and at Newports News three, all of them serviceable. There are likewise at Henrico seven pieces of ordnance, at Charles Hundred two, and in other places, besides murderers and fowlers at divers places.

7. Expecting, according to their printed books, a great forwardness of divers and sundry commodities at mine arrival, I found not any one of them so much as in any towardness of being, for the iron works were utterly wasted and the men dead, the furnaces for glass and pots at a stay and in small hopes; as for the rest they were had in a general derision even amongst themselves, and the pamphlets that published there, being sent thither by hundreds, were laughed to scorn, and every base fellow boldly gave them the lye in many particulars; so that tobacco

only was the business, and for aught that I could hear every man madded upon that and little looked or thought on anything else.

Answer 7. That the country yields divers useful and rich commodities which, by reason of the infancy of the plantations and this unexpected massacre, cannot be yet brought to perfection, and is no less hindered by the emulous and envious reports of ill-willers whose private ends in time will be discovered and by God recompensed. And we do further answer that this country is a most faithful country, and doth certainly produce divers rich commodities. It is true that the iron works are wasted and the men dead, but that was by the massacre, which if it had not happened there had been a good proof of that commodity, for the works were in a very great forwardness. As for the vines likewise there were vineyards planted in divers places, but all of them put back by the massacre; but for the people's deriding these commodities or the books sent by the Company, they never heard of any such scoffings or derisions, but as the Governor and Council are very desirous and have set forth proclamations to cause all men to set both vines and mulberry trees, so the people are generally very forward and desirous to raise those former commodities of wine and silk, and likewise divers other good commodities.

8. I found the ancient plantations of Henrico and Charles City wholly quitted and left to the spoil of the Indians, who not only burned the houses, said to be once the best of all others, but fell upon the poultry, hogs, goats, cows and horses, whereof they killed great numbers, to the great grief as well as ruin of the old inhabitants, who stick not to affirm that these were not only the best and healthiest parts of all others, but might also, by their natural strength of scituation, have been the most easily preserved of all others.

9. Whereas, according to his Majesty's most gracious letters-patents, his people are as near as possibly may be to be governed after the excellent laws and customs of England, I found in the Government there not only ignorant and enforced strayings in divers particulars, but wilful and intended ones; insomuch as some which urged due conformity have in contempt been termed men of law, and were excluded from those rights which by orderly proceedings they were elected and sworn unto here.

10. There having been, as it is thought, not fewer than ten thousand souls transported thither, there are not, through the aforenamed abuses and neglects, above two thousand at the present to be found alive, many of them also in a sickly and desperate estate. So that it may undoubtedly be expected that unless the confusions and private ends of some of the Company here, and the bad executions and seconding them by their agents there, be redressed with speed by some supream and divine hand, that instead of a plantation it will get the name of a slaughter house, and so justly become both odious to ourselves and contemptible to all the world.

Answer. All these we leave to be answered by the Governor and Council, some of them being unfit to be determined of by us, and for the last, we being ignorant how many have been transported or are now living there.

We, whose names are under here and hereafter written, have, upon mature deliberation and after full examination and consultation of the premises, drawn up these answers, being such as we find in our consciences to be true, and shall at all times justify them upon our oaths. In witness whereof we have hereunder set our hands.

I, William Mease, minister, having lived ten years in Virginia,[14] affirm all the answers above except that of the ordnance and Palisadoes.

WILLIAM MEASE.

I, Marmeduke Rayner, have gone 3 several times master of ships to Virginia, and lived 16 months there together, and affirm all the answers above.

MARMEDUKE RAYNER.

I, John Proctor, have lived 14 years in Virginia, and do affirm all the answers above, except that of the ordnance and Pallisadoes, but I know there are near upon 20 pieces of ordnance.

JOHN PROCTOR.

I, William Ewens, have gone master of ships to Virginia four

[14] Was in charge, in 1616, at Hampton; in 1623 had returned to England.

several times, and lived one whole year there or thereabouts, and affirm all the answers above except that of the ordnance and Pallisadoes.

WILLIAM EWENS.

I, James Carter, master of the Truelove, do affirm all the answers within written, but that I have not seen the ordnance at Henrico and James City.

JAMES CARTER.

I, Gregory Pearl, having been master's mate and lived in Virginia 16 months, do affirm all the answers within written, save that I have not seen the ordnance at Henrico and Charles City.

GREGORY PEARL.

I, William Green, surgeon in the Temperance, having lived 17 months in Virginia, do affirm all the answers within written, only I have not seen the ordnance at Henrico.

WILLIAM GREEN, *Surgeon.*

I, Henry Hitch, surgeon of the James, having been two several times in Virginia, and lived there at one time about five months, do affirm all the answers within written, save that I know not of the matters about James City.

HENRY HITCH.

I, Edward Sanders, having lived 3 years in Virginia, do affirm all the answers within written, except that of the ordnance and Pallisadoes and other matters that above Paspakay.

The mark of E. S., EDWARD SANDERS.

I, John Dennis, master of the Marmaduke, do affirm all the answers within written, except that of the guest-house, ordnance and Pallisadoes.

JOHN DENNIS.

I, Tobias Felgate,[15] have gone master and mate of ships 5

[15] Toby Felgate, "mariner," brother of Captain Robert Felgate, was granted 150 acres of land in James City county, in 1624, Book No. 1, page 105. Captain Robert Felgate received the following grants: 250 acres in Charles River (subsequently York) county, August, 27, 1637;

times in Virginia, and affirm all the answers above, except that of the ordnance only.

TOBIAS FELGATE.

I, Samuel Mole, have lived three years or thereabouts in Virginia, being a chirurgeon, and do affirm all the answers above, save that I have not seen the ordnance at Henrico and Charles City nor have been at Henrico.

SAMUEL MOLE.

I, Thomas Prosser, have gone three times master's mate to Virginia and have lived at one time above three-quarters of a year there, and do affirm all the answers within written, except that of the ordnance and Pallisadoes.

THOMAS PROSSER.

I, Robert Dodson, having been twice in Virginia, do affirm all the answers within written for all matters from James City downwards, saving that I do not know of the proclamations for vines.

ROBERT DODSON.

I, Maurice Thompson, having lived six years in Virginia, do affirm all the answers within written, save that I know not of the ordnance at Flower due Hundred nor at Henrico and Charles City.

MAURICE THOMPSON.[16]

---

400 acres in ditto, March 16, 1639. Among the "head rights" were himself, his wife Margaret, son Erasmus, and daughter Judith, Book No. 1, pages 400 and 475. John Felgate received the following grants: 1,200 acres at Cherbrove's Nest, December 23, 1635; 1,200 acres ditto, April 26, 1638, and 1,200 acres in James City county, January 6, 1639, Book No. 1, *Virginia Land Registry*, pages 328, 601, 724.

[16] Maurice Thompson came to Virginia in 1620, and was a merchant. Returning to London, he, with a company, in 1641, erected sugar-works at Barbadoes. He was Governor of the East India Company in the reign of Charles I, and became an adherent of Parliament in the Civil wars. In 1649 he was examined by the Council of State as to what the interests of the Commonwealth required in Virginia. With Hugh Peters and Nicholas Corvellis, a Dutchman, he went over in the beginning of the war to collect money in Holland for the distressed Protestants in Ireland. He had a brother, Major Robert Thompson, who was such a favorite with Cromwell that it was thought that he could have become his son-in-law. He was for some seven years a Navy

I, John Snoade, having lived three years and a half in Virginia, do affirm all the answers within written, save that I have not seen the ordnance at Flower due Hundred, Henrico and Charles City.

JOHN SNOADE.

And it was further ordered that this their answer should be presented to the commissioners when they should sit.

There was likewise read the attestation of one John Severn and one John Lowe, being as followeth :

John Severn, master's mate of the James, affirmeth that coming one morning to Captain Nathaniel Butler for some money due to him from the said Captain, he, the said Captain, brought a writing in his hand, saying he had been with the King, and protested that the writing was for the good of the country, and desired him, the said John Severn, to set his hand thereunto and began to read some of it ; but the said Severn, being in a great haste, did not attend the matter nor give ear what it was, but set his hand to the writing, esteeming and conceiving Captain Butler to be a very worthy man, but since understanding it was a writing in disgrace of the country, the said Severn doth disavowe

---

Commissioner for Parliament. Another brother, Col. George Thompson, lost his leg fighting against the King, but "got a great estate." The first of this family recorded was Robert Thompson, "that com out of ye North," married and had issue: Maurice, of Cheshunt, Hertfordshire, who married Katharine, daughter of ——— Harvay, and had issue: Ralph Thompson, of Walton, Hertfordshire, living in 1634, married Elizabeth, daughter of John Harsnett, and had issue: i. Maurice (of the text); ii Colonel George, as above, born 1603, came to Virginia in 1623, Burgess in 1629, and served gallantly the same year against the Indians; iii. Sir William, Governor of the East India Company in the reign of Charles II; iv. Paul, born 1610, and came to Virginia in 1628; v. Major Robert, who owned considerable property in New as well as Old England; vi. Elizabeth, married ——— Stokes, Rector of Walton. Maurice Thompson, the eldest son, had a son, Sir John, long a prominent member of the House of Commons, and created, May 4, 1696, Baron Haversham, a title which expired with him. Captain William Tucker, of Elizabeth City county, Virginia, married Mary Thompson. In 1636 William Tucker, Maurice Thompson, George Thompson, and others, had a joint grant of land. In 1624 William Tucker had a grant in Elizabeth City, and among the "head rights" were his wife's brothers, George, Paul and William Thompson.

the said writing as untrue and protesteth that he, upon his oath, must say the contrary.

This 28th of April, 1623. JOHN SEVERN.

John Lowe, boatswain of the James, coming along with John Severn to Captain Butler, set his hand likewise to the said writing, esteeming Captain Butler to be a very worthy gentleman, and heard not but a few lines only of the said writing read without marking it, but now, he understanding it was a writing in disgrace of the country, he disavoweth his said handwriting, and protesteth that upon his oath he must say the contrary.

This 28th of April, 1623. JOHN LOWE.

It being moved that Captain Butler might have a copy of this answer delivered him, the court, by erection of hands, denied it until such time as the commissioners sitting it might first be presented unto them.

After this was read the letter written to the Governor and Council of Virginia, being the self same in all points with that which had been confirmed in two former courts, except an addition signifying the breach of the contract, directly according to their Lordships' command.

Whereas it was signified that the Lord Treasurer, out of his noble respect and favour unto the Companies, made offer that they should have the farming of the 40,000 weight of Spanish tobacco at the rent of six thousand pounds ℔ annum for two, three or more years as themselves should think good, it was, after long debate, adjudged impossible for the general Companies, having no stock, to undertake the same. Whereupon divers propositions were made, some supposing it might be done with loan-money, if men would lend the Company some money for a year gratis; and to this end the Earl of Warwick offered to lend one hundred pounds, Sir Nathaniel Rich one hundred pounds, Mr. Ditchfield fifty pounds, Mr. Woodall five and twenty pounds.

Mr. Canninge likewise made a proposition that a bank might be drawn, with a preamble for men to underwrite what sums they will adventure towards a joint stock for bringing in the aforesaid quantity of 40,000 weight, he supposing that £8,000 would manage the business; and in regard, for the better reputation of this business, it might be necessary to have the aid and assistance of

the Companies, the undertakers, out of their clear gain, should give the Companies a fourth part; which proposition was generally well approved of, if it could be effected, and thought fit to be referred to a Committee to consider thereof, as also to consider of another ways how the farming of this 40,000 weight might be so undertaken, as the same might be beneficial unto the Companies; whereupon the court nominated for the Committee these following, to wit:

| | |
|---|---|
| Earl of Warwick, | Mr. Morrice Abbott, |
| Lord De Lawarr,[17] | Mr. Canninge, |
| Sir Edwin Sandys, | Mr. Wilmer, |
| Sir Nathaniel Rich, | Mr. Scott, |
| Sir John Davers, | Mr. Edwards, |
| Sir Samuel Argoll, | Mr. Palavicnie, |
| Sir John Bourchier, | Captain Butler, |
| Sir John Wolstenholme, | Mr. Edw. Johnson, |
| Mr. Alderman Johnson, | Mr. Ditchfield, |
| Mr. Gibbs, | Captain Harvy, |
| Mr. John Ferrar, | Mr. Bennett, |
| Mr. Nicholas Ferrar, | Mr. Moorer, |

Mr. Woodall.

Upon motion, order was given for drawing up two commissions, the one at the request of Mr. Dennett for his ship called the God's Guift, being to transport passengers to Virginia; the other commission, at the request of Mr. Thomas Shiers and his associates, for the William and Thomas, for transporting of passengers to their own plantations, which commissions were ordered to be drawn up sealed.

At a court held for Virginia and the Somer Islands on the 7th of May, 1623, Sir Edward Sackvill said that the Council having observed a very full court to be now assembled, a great many of whom had been long absent in the country and now desired to be informed of the passage of business, did think fit to give them an account of the Company's proceedings since their departure, and had in particular desired him to acquaint them that the con-

[17] Henry, fourth Lord, succeeded his father in 1618; married Isabella, daughter and co-heir of Sir Thomas Edmunds, Kn't, and was succeeded in 1628 by his son Charles, fifth Lord, who married Anne, daughter and co-heir of John Wild, Esq., of Droitwich.

tract concerning tobacco was, by order of the Lords of the Privy Council, dissolved, whose pleasure it was likewise that publick notice should be given thereof.

The Lord Cavendish acquainted the court that after the dissolution of the contract, when the Companies supposed all quiet, there was, by Alderman Johnson and those others that had opposed the contract, delivered unto his Majesty a very bitter and grievous complaint against the Government and carriage of the Company these four last years, and at the same time Captain Butler presented to his Majesty a declaration of the State of Virginia, which he termed the unmasking of the colony, which two things, his Lordship said, had been the cause of much trouble and labour in the Company; and thereupon his Lordship briefly acquainted this court what had passed hereupon, both with his Majesty and the Lords of the Privy Council, as also in the courts and committees. Whereupon the courts generally desired that all the writings and answers might be read, to the end that things might be fully and perfectly understood and receive either addition or amendment as cause should be. Whereupon was read—

1. The petition delivered by Mr. Alderman Johnson and his associates to his Majesty.

2. Then the information delivered to his Majesty by Captain Butler, termed by him the unmasking of the colony in Virginia.

3. Then the Companies' petition to his Majesty touching the issue of Alderman Johnson's petition for a commission of enquiry and examination.

4. Then the Companies' declaration of the present state of Virginia delivered to his Majesty.

5. Then the proceeding of the Company in their courts declared unto his Majesty.

6. Then the Companies' answer to Alderman Johnson's petition, being as followeth, vizt:

*An answer to a petition delivered to his Majesty by Alderman Johnson in the name of sundry adventurers and planters of Virginia and Somer Islands Plantations.*

The ground work of the petition is founded upon a threefold information. The first, that in the former Government of the Companies (viz.) under Sir Thomas Smith as Governor and Mr.

Canninge and himself as Deputies, for so he intendeth, the Government was discreet and mild, whereby all sorts of men were invited to engage themselves in that great and difficult action, which thereby proceeded in a most hopeful and comfortable course with unity and love. Contrariwise, they know not how it is of late years come to pass that unity and peace here at home is turned to civil discord and dissention, and divers of the ancient adventurers and planters conceive themselves many ways injured, abused and oppressed.

Whereunto is answered that this information is in both parts most untrue; for, although his Majesty by his gracious letters-patents hath given authority to the said Companies to make laws and orders, as well for the well government of the Companies here at home as also of the colonies abroad, with direction therein to follow the form of government, laws and polity of this realm of England as near as may be, yet all those twelve years past there was no care taken for the bringing of the same to the desired and intended effect. For, first of all, his Majesty's particular instructions for government were clean supprest and extinguished, and the original now not extant; no orders were made for the government of the Company here, unless now and then one upon present occasion. And as for the government abroad in the plantations, it was for the most part left to the Governor's absolute pleasure and power only; instead of a body of moderate laws agreeable to the government in this realm, there was printed here and with great honour dedicated to Sir Thomas Smith, and afterwards sent by him to Virginia without the Companies' consent, a book of most tyrannical laws written in blood, which although they might serve for marshal government in time of war, being translated as they were most of them from the marshal laws of the united provinces, yet was the same far from that mild government commended here by the petitioners, and both at home deterred all men from going there to live in person under such turbulent laws, and in Virginia were the cause of the unjust and undeserved death of sundry of his Majesty's subjects, and moreover put such a weapon in the hand of the then Governor, a kinsman of Sir Thomas Smith, as whereby he, in a manner, spoiled and destroyed the whole plantation, as is extant yet to be seen by the letters of Sir Thomas Smith himself and the said Alderman Johnson.

tract concerning tobacco was, by order of the Lords of the Privy Council, dissolved, whose pleasure it was likewise that publick notice should be given thereof.

The Lord Cavendish acquainted the court that after the dissolution of the contract, when the Companies supposed all quiet, there was, by Alderman Johnson and those others that had opposed the contract, delivered unto his Majesty a very bitter and grievous complaint against the Government and carriage of the Company these four last years, and at the same time Captain Butler presented to his Majesty a declaration of the State of Virginia, which he termed the unmasking of the colony, which two things, his Lordship said, had been the cause of much trouble and labour in the Company; and thereupon his Lordship briefly acquainted this court what had passed hereupon, both with his Majesty and the Lords of the Privy Council, as also in the courts and committees. Whereupon the courts generally desired that all the writings and answers might be read, to the end that things might be fully and perfectly understood and receive either addition or amendment as cause should be. Whereupon was read—

1. The petition delivered by Mr. Alderman Johnson and his associates to his Majesty.

2. Then the information delivered to his Majesty by Captain Butler, termed by him the unmasking of the colony in Virginia.

3. Then the Companies' petition to his Majesty touching the issue of Alderman Johnson's petition for a commission of enquiry and examination.

4. Then the Companies' declaration of the present state of Virginia delivered to his Majesty.

5. Then the proceeding of the Company in their courts declared unto his Majesty.

6. Then the Companies' answer to Alderman Johnson's petition, being as followeth, vizt:

*An answer to a petition delivered to his Majesty by Alderman Johnson in the name of sundry adventurers and planters of Virginia and Somer Islands Plantations.*

The ground work of the petition is founded upon a threefold information. The first, that in the former Government of the Companies (viz.) under Sir Thomas Smith as Governor and Mr.

Canninge and himself as Deputies, for so he intendeth, the Government was discreet and mild, whereby all sorts of men were invited to engage themselves in that great and difficult action, which thereby proceeded in a most hopeful and comfortable course with unity and love. Contrariwise, they know not how it is of late years come to pass that unity and peace here at home is turned to civil discord and dissention, and divers of the ancient adventurers and planters conceive themselves many ways injured, abused and oppressed.

Whereunto is answered that this information is in both parts most untrue; for, although his Majesty by his gracious letters-patents hath given authority to the said Companies to make laws and orders, as well for the well government of the Companies here at home as also of the colonies abroad, with direction therein to follow the form of government, laws and polity of this realm of England as near as may be, yet all those twelve years past there was no care taken for the bringing of the same to the desired and intended effect. For, first of all, his Majesty's particular instructions for government were clean suppressed and extinguished, and the original now not extant; no orders were made for the government of the Company here, unless now and then one upon present occasion. And as for the government abroad in the plantations, it was for the most part left to the Governor's absolute pleasure and power only; instead of a body of moderate laws agreeable to the government in this realm, there was printed here and with great honour dedicated to Sir Thomas Smith, and afterwards sent by him to Virginia without the Companies' consent, a book of most tyrannical laws written in blood, which although they might serve for marshal government in time of war, being translated as they were most of them from the marshal laws of the united provinces, yet was the same far from that mild government commended here by the petitioners, and both at home deterred all men from going there to live in person under such turbulent laws, and in Virginia were the cause of the unjust and undeserved death of sundry of his Majesty's subjects, and moreover put such a weapon in the hand of the then Governor, a kinsman of Sir Thomas Smith, as whereby he, in a manner, spoiled and destroyed the whole plantation, as is extant yet to be seen by the letters of Sir Thomas Smith himself and the said Alderman Johnson.

The effect was, that in that plantation, after the expense of £80,000 of the publick stock and upwards, the colony was then wasted to a few hundreds of persons; so provisions being made by wives for posterity, and those also which remained had no intent to proceed in the plantation, being destitute of food, both spiritual and temporal, crying out upon the Company for injustice and cruelty, and sometimes upon despair being all shipped to return; at other times upon revenge adopting to themselves new patrons against their ill government; and here at home the adventurers, who at the first as to a new matter came plentifully in, in fine, utterly abandoning the courts and action, refusing to make payments of their moneys subscribed, and, being sued for the same, pleaded in chancery upon their oaths that the moneys were not converted to the use intended, but to particular men's gains, and that there were no accompts kept in order and to be seen, a thing contrary to the express charge in his Majesty's said instructions; and this is the true estate of the said mild and discreet government.

On the contrary side, what hath been done in point of government for these four last years may be apparent to all men; books of orders for the good government of the Companies, here drawn principally out of the wisdom of his Majesty's original grants, have been compiled and published; the like done in greatest part for the government of the plantations, for the dividing of the lands, and for the settling of adventurers and planters in their great possessions; store of preachers have been sent with competent provisions, all which brought so great content unto the plantations abroad, that the colony of Virginia hath, by public act in their general assembly, yielded thanks to the Company here for their love, justice and care.

As for the discord and dissention mentioned in the said petition, true it is that, in the compass of these four last years, there have been two great rents made by way of opposite faction; the one by Alderman Johnson being called on for his accompts, for which, in regard of his place, he was very moderately censured, and the other by Mr. Wrote, upon other private discontent, for which he hath been lately suspended from the courts. There hath also heretofore been a faction raised in the Council for the support of a Governor of Virginia who had ransacked the plantation; other discord or dissention of note there hath not been any,

and all these raised by the part now oppugning the Companies, the greatest number of whom are seldom seen in the courts but upon occasion of a storm, and to nourish discord and faction. As for the allegation that divers of the ancient adventurers and planters conceive themselves to have been injured, abused and oppressed, it cannot be shewn that the justice, which was in the power of the courts to give, hath been denied to any man, much less by private directions and underhand letters have the goods of some particular persons in the plantations been taken violently from them, contrary to course of law, and consigned to their potent adversaries, as hath lately happened in the case of Captain Miles Kendall, who was spoiled by Captain Butler of fourteen negroes granted to him by a Captain of Holland, having commission under the Prince of Orange, under a bare and false pretence that they belonged to a ship called the Treasurer set out from Virginia by Sir Samuel Argoll, then Governor, to prey on the West Indies, as shall be elsewhere shewn.

The second information by the petitioners is, that under the former government there was a quiet entertainment of the savage Indians, by which sundry of those infidels, and some of eminent note, were converted to Christian religion; whereas, of late, there hath been a massacre and hostility between the natives and our colony of Virginia.

Hereunto we answer, that it is true that Matoar, the daughter of Powhatan, being taken prisoner by Captain Argoll, and affecting marriage with one Mr. Rolf, became a Christian, and so died at Gravesend; other matter of note, for the conversion of those infidels, did not happen in those first twelve years, during which time the English were also in almost continual hostility with the infidels; and in the last of those twelve years the Chichomini, by sudden assault, murdered ten of our people, which Captain Argoll, at his coming away, left unrevenged. On the other side, what and how chargeable preparations have been made in these last four years for the educating of the infidels' children in Christian religion and civility, the plantation for the colledge may sufficiently declare, for which, notwithstanding the late massacre which fell upon them, there are yet remaining sixty tenants, or thereabouts, and the work, by the assistance of God, shall again in due time proceed; as for the hostilities with the infidels during three of these last four years, there hath not been any, whereof

yet we boast not, considering that it lulled the English asleep in too great security, and consequently gave opportunity to the late bloody massacre, which, if had not happened, these opposers must have been mute, having nothing else wherewith to disgrace the plantation.

The third information is, that in the compass of those first twelve years staple commodities began to be raised and imported into this kingdom; as iron, sturgeon, caveare, soap and potashes, mats for ships, clapboards, pipe staves, wainscott, wine, pitch and tarr, and that most desired work of silk-worms, whereas, in the latter years, these commodities do not appear.

The answer is, that this information or objection doth strongly reflect upon the objector himself; for, if it be true, which we deny not save only for iron, that some samples of these commodities, by the industry of Sir Thomas Dale, were sent home in the ninth and tenth years of those first twelve years, how happened it that in the last two years, under the government of Captain Argoll, there appeared none? The reason is apparent, for the magazine being then on foot, whereof the said Alderman Johnson was Director, it pleased him to set no price upon any other commodity save tobacco and sassafras, being commodities of his own trade, and for the greatest part whereof he became the Companies' chapman, whereby all endeavours for those other commodities were abandoned, and the colony possessed of that doting affection for tobacco which the Company, in these latter years, notwithstanding their sundry charters, instructions, and general letters for restraining thereof, could never since extinguish; on the contrary part in these latter four years, what hath been performed from time to time, by the excessive charge and care of the Company in setting up of iron works, vyneyards, silk, and other commodities, shall be at large declared elsewhere, and would by this time have manifestly appeared to the world had not the late general massacre given them a sore interpretation, which notwithstanding, by the divine assistance, shall be shortly renewed.

Now, forasmuch as Alderman Johnson pretendeth the said information, and the petition ensuing, to aim at no other end but that after the work of some necessary reformation, the work of the plantation also may be renewed, proceed and prosper, we are forced herein to detect his unclear proceedings, for it will be justifyed against him by undeniable proofs that he hath laboured

of late, by strange and most untrue allegations, to discourage some persons of very good quality from favouring of this work or proceeding in it ; he hath found fault with such as hath commended the country, so much extolled by himself formerly in sundry his printed treatises professing that the world had been deluded by Virginia ; he hath said that there are too many of our nation there already ; that the staple commodities spoken of were come to nothing ; that iron was a base commodity and would not pay for the freight ; that the grapes were sower and the clymate not proper for wine ; that the mulberry trees in Virginia have a prickle in their leaves which destroyed the silk-worm when it grew to bigness, and as for converting the infidels, it was an attempt impossible, they being descended of the cursed race of Cham. Now whether a person of this description be a fit instrument for the working out of the good of the plantations, we leave it to all clear and impartial minds to judge.

Touching the petition itself for examination and reformation of all abuses, the Companies do herein willingly concur with the petitioners, save that they cannot but dislike the petitioners' too great partiality, who desire only that the accompts since Sir Thomas Smith's time may be examined, which have always been kept fairly according to the orders of courts (excepting by one only of the petitioners' society), and for the accompts of the former years pass them over in silence, which are three times as great and thrice three times more questionable ; but the justice of the honorable board hath reformed their partiality.

7. Then the answer of divers planters, masters of ships and mariners to Captain Butler's information to the King.

8. Then the attestation of Severn and Lowe, how they were drawn by Captain Butler to subscribe to his information.

9. Then the Companies' answer to Captain Butler's dismasking of Virginia, being as followeth, vizt :

*A true answer to a writing of Information presented to his Majesty by Capt. Nathaniel Butler, entitled, "The Unmasked Face of our Colony in Virginia as it was in the winter of the year 1623" :*

This information, containing matter of most important quality touching that plantation, and such as if the same should be found

to be true, not only all former expence would be utterly lost, but it were in vain, or (to speak more properly) a shame and sin to proceed in sending any further supplies of people to parts so generally contagious as to be compared to the most unsound and unhealthy parts of this realm, and where the main river is so shallow that the people being enforced to a continual wading and wetting of themselves about the landing of their goods, get such violent surfeits cold upon cold as seldom leave them till they leave to live, which are the very words of that information. And this information having been spread by the said Captain Butler and his friends, not only over the city, but also over divers parts of the country adjoining, to the utter disgrace of the plantation and discouragement of all new adventurers and planters, whereof many of good quality were now in preparing, the Company have thought it their duty in the first place and with the greatest care, to consider exactly of the quality of this information in point of truth or otherwise.

To which end, having assembled divers persons of good credit lately come from Virginia, whereof one a minister who hath lived there ten years, others of good quality that have lived there some of them 14 years, some 6 and others more or less, and the rest being masters of ships and mariners, with others whereof sundry of them have been there often times and are thoroughly acquainted with the river and all parts of the colony, and the said Company earnestly desiring them to set down the truth or their knowledge in writing, and in such sort as they will always be ready to justify the same upon their oaths, the said persons, being to the number of 16, have done accordingly, and set down their answers to the seven first articles of the said information as appeareth by the writing hereunto annexed, subscribed with their hands, by which writing it doth plainly appear that the said information is in all the material parts thereof most untrue, and may seem to have been purposely framed by the said Captain Butler to raise distemper and trouble in the Companies for the plantations, that thereby bringing all things here to confusion himself might as in the dark escape those deserved censures and punishments which for his evil government in the Somer Islands and many intolerable oppressions, and principally for withdrawing himself by his sudden and disorderly flight from the examination of that important business of the Spanish wrack, by a

commission sent thither for that purpose, he had cause to fear, which commission being sent thither not only upon promise of the Spanish ambassador and for his just satisfaction, but also by especial order of the Lords of his Majesty's most honourable Privy Council, by the act and practice of the said Captain Butler and other his friends here, who gave him warning thereof, remains in greatest part defeated and deluded. And touching the last 3 articles of the said Captain Butler's information, whereunto the said 16 persons say they can make no answer, the same being either above or without the compass of their knowledge, the Company for the present return this answer in brief.

To the first of these, being the 8th article and containing only a description of devastation of two plantations called Henrico and Charles City by the late massacre by the infidels, which might easily indeed have been preserved if the foresaid massacre had been foreseen or feared, the Company can say no more but that it was the unavoidable calamity of such a treacherous war. But the plantations are again restored according to express order given from hence to the colony.

To the 9th article, containing a complaint of the new government now in Virginia, they have no cause to give any credit to the said information, the same in appearance being grounded upon the said Captain's discontent and for that he was not accepted here to sit in council with them, whereto he could plead neither right nor desert.

To the last article, being a conclusion of all his former misinformations, with some additions also of new untruths, they say there were never sent above 6,000 to Virginia, which is short 4,000 of his information, and that in the first computation that can now be made, *their* having been no accounts then kept of their names or numbers, there were not sent above 2,500 at the most, whereof there dyed 500 at sea.

They say, also, that notwithstanding the late massacre and the great mortality which hath since ensued, occasioned by the effects of the said massacre, there are yet remaining alive in that colony of Virginia to the number of 2,500 persons, whereof good proof is to be made, and that the plantations are again in restoring and the staple commodities in setting up again according to order from hence; but, touching his last clause of the confusions and private ends of some of the Company here, and the bad execu-

tions in seconding them by their agents there, they desire that he may be commanded to discover the same in particular before the commissioners appointed, and in the meantime they protest against it as calumnious and slanderous, and of the self same truth with the rest of his informations.

After which, Mr. Berblock desired that one short passage of Sir Thomas Dale's letter to Sir Thomas Smith might be read, which he had found perusing the books by order of the court, whereupon it was read, being as followeth, vizt:

"Dated June, 1613.

"Let me tell you all at home this one thing, and I pray remember it; if you give over this country and loose it, you, with your wisdoms, will leap such a gudgeon as our state hath not done the like since they lost the kingdom of France; be not gulled with the clamorous report of base people; believe Caleb and Joshua, if the glory of God have no power with them and the conversion of these poor infidels, yet let the rich mammons' desire egge them on to inhabit these countries. I protest unto you, by the faith of an honest man, the more I range the country the more I admire it. I have seen the best countries in Europe; I protest unto you, before the Living God, put them all together, this country will be equivalent unto them if it be inhabitant with good people."

There was also read part of a letter of Sir Samuel Argoll to the Company in July, 1617, commending very much the healthiness of James Town, and that it was the fittest and convenientest place for unlading, being in the midst of the plantations, and there being a bridge to land goods at all times.

The Lord Cavendish further acquainted the Companies that the Council for Virginia and principal assistants of the Somer Islands had, upon large and serious consideration of these present distractions in the Company, drawn up a certain declaration, containing in their judgment one main root of these troubles, which they thought fit to present to the court, which was ordered to be read, being as followeth, vizt:

May 7, 1623.

*A declaration made by the Council for Virginia and principal assistants for the Somer Islands of their judgments touching one original great cause of the dissentions in the Companies and present oppositions.*

His Majesty's Council for Virginia being assembled according to the order of court of the 23d of April, and taking into consideration the present differences and distractions in the Company, and according to their duty entering into a serious consultation how to extinguish or compose the same, that the work of the plantation may as heretofore proceed and prosper, they have found in their understanding that one chief root of all these divisions and of sundry other machinations, to the great detriment of the plantations, and bending withal to a course for dissolution of the Companies, have proceeded some instruments about the right honourable the Earl of Warwick, who, by misinformations and false pretences, as they conceive, abusing the facility and forwardness of his disposition for atchieving of their own exorbitant purpose, have enforced them after long patience now to discover the same while remedy is to be had, least in time the disease grow remediless.

It is therefore first to all to be laid as a true ground that these instruments about his Lordship, not content with that lawful and orderly benefit which the adventurers for the said plantations might in a due course and fit time expect, but affecting a sudden and extraordinary wealth by spoiling of the public state of the colonies, and oppressing also of the multitude of particular planters in them, and being not able to run on in a swift and interrupted current, without gaining also the government of the Companies here at home into their own or their assured friends' hands and possession, whereby also to be enabled to place Governors from time to time in the colonies abroad, men of their own creation and assured to their devotion, have left no means nor practice unattempted during the space of divers years past for the bringing to effect both of the one and the other.

First, therefore, in the beginning of the year 1617, a course was taken that Captain Argoll, now Sir Samuel Argoll, an assured follower and favorite of his Lordship, should be sent with the

power both of Governor and Admiral to Virginia, armed also with the strength and exercise of marshal law, even in time of peace, that no man there might dare even to open his mouth in any complaint against him; whereof he set up a memorable warning by example in the case of Captain Brewster, whom, for opposing against his course of destroying that great plantation begun by the late Lord De Lawarr, and of drawing the whole benefit thereof to his own private advantage, he procured to be condemned by a marshalls court most unjustly to death, and delivered him not from the same but upon taking an unjust oath prescribed to him to this effect:

That he should not speak ill of Captain Argoll's government, nor ever again return into the territories of Virginia; and to protect Captain Argoll from being called to an after account for his government, under shew of a new plantation to be set up in Virginia by Captain Argoll and his partners, whereof the said Earl hath since appeared to be one (which yet to this day hath had no beginning), there was procured a patent to the said Captain and his associates for the said new plantation, whereby he and his Company, their heirs and assigns (save only in time of defence by warr), were exempted from all power, authority and jurisdiction to be from hence derived or there established, that so he might reign there as a great and absolute master, without law or controulement, and without the fear of ever being called to any future reckoning.

Thus furnished with exorbitant power and exemption, how he carried himself there in his two years' government hath been elsewhere at large declared; the sum is, that besides a multitude of particular wrongs and oppressions, whatsoever was remaining at that time in the colony belonging to the publick, and being the fruit of fourscore thousand pounds' charge, he converted it in a manner wholly to his own private use and possession, the very public lands cultivated, the Company's tenants and servants, their rents, corn and tributes of corn, their kine and other cattle, their stores and provisions; whereby the Company being disabled, in all appearances, of ever setting up the same again, or to bear the great burden of publick charge both at home and abroad, being thus stripped of all revenue, the said Company must have failed and decayed, and the whole colony have fallen in time into the hands of the said Captain and his association, to

be there established, which seemeth to have been his prime and original desire; neither could this depredation of that colony content, but a ship called the Treasurer set forth by the said Earl and sent to Virginia, and an old commission of hostility from the Duke of Savoy against the Spaniards procured by some means and put into the hands of the said Captain, the said Treasurer being manned with the ablest men in the colony, and new victualed from thence, was set out on roving on the Spanish dominions in the West Indies, where, after several acts of hostility committed and some purchase gotten, she returns to Virginia at the end of ten months or thereabouts, but finding Captain Argoll, the setter of her out, departed from thence, she withdrew herself instantly from the new Governor's power and went to the Somer Islands, then discharging her booty, which were a certain number of negroes, all which, even those that belonged as shares unto the mariners (whereof they have not long since complained in court), were taken and placed on the said Earl's lands as belonging to his Lordship, and so continue.

This course of Captain Argoll's sending home a strange murmur of complaints against him in the summer 1618, Sir Thomas Smith being then Treasurer and Alderman Johnson Deputy, the Company were so enflamed with these outrages that they could hardly be contained from running to his Majesty being in progress to crave his supream hand for redress of so great a mischief. But Sir Thomas Smith at that time, whether in favour of the said Captain Argoll, his friend and kinsman, or out of his better judgment alledging that the imploring of his Majesty's aid might be a derogation to the Company's power and liberties, made stay of that course, and directed the Company into another and milder way, which, after the misprospering of it, some other provisions for reformation by the unfortunate decease of the Lord Lawarr, chief Governor, issued finally into a resolution of sending a new Governor to examine those clamours and complaints against Captain Argoll; whereupon, at the Michaelmas ensuing, Captain Yeardley, afterwards Sir George Yeardley, was first nominated Governor, and afterwards solemnly chosen at the next quarter-court.

Before which time, in the said summer 1618, upon the clamours aforesaid, Sir Thomas Smith and Alderman Johnson, with divers others of the Council, addressed their letters to the said Lord

Lawarr, lately gone for Virginia, requiring him to send home the said Captain Argoll as a malefactor, and to sequester all his goods there for restitution to the Company; there was afterwards an order resolved on in court that what goods of Captain Argoll's should be returned for England should be likewise seized on for the Company's use; which order, at the said Earl's request, was so far forth dispensed with as that his Lordship might notwithstanding take out his own part (intending so much as should belong to him by his right of partnership) upon promise to deliver the rest into the Company's hands so far forth as should be in his power to perform it. The performance of which promises is yet still expected; the said Captain having returned all his goods from Virginia under other men's names, and consigned them unto other and greater men's hands, whereby the Company remaineth still defrauded of the true restitution which they had so great cause to expect from Captain Argoll.

But to come to some other parts of Captain Argoll's government: This course of depredation and roving not sufficeing, as likely to receive encounter and check from hence, new engines were used, some to dishearten and some to disgrace the Company, that so as it seemeth they might in fine abandon the plantation and leave it as a prey to the said Captain, his friends and followers. First, therefore, in the plantation letters were sent by Captain Argoll, and directed to the Company, by which he so dispraised the country as to appear less fertile than the most barren arabie land to be found ordinarily in this realm. An assured way of discontent to all adventurers and planters from further proceeding. But this engine was broken by a commission sent unto Virginia, from whence was returned, by examination upon oath, that the soil was most fertile and that slander of it most untrue; then next on the other side, to correspond from hence the Company and their actions, and particularly the Governor's, Alderman Johnson by name, were disgraced by letters sent to Virginia, not unknown (as is strongly to be presumed) to the said Earl, in which it was suggested that the merchants (as they termed them) who then swayed the courts affected nothing but their own immoderate gain, though with the poor planters' extream oppression, as appeared by their magazine; by which insinuations, that the said Earl would go and complain to the King in their behalf, they were drawn on by instruments, used fitly for

that purpose, to exclaim with great bitterness against the Company, and in a manner to cast off their government, adopting unto themselves other patrons against them, according to their said plantations, the principal whereof were partners to the said Captain Argoll, amongst which the said Earl of Warwick was in degree far the chief. All this, notwithstanding the Company proceeded on in their course against Captain Argoll and by advice of the Council and a choice committee, prepared divers commissions to be sent with Sir George Yeardley for the proceeding against the Captain in Virginia; against which the said Earl, with other of his friends and followers, having made great opposition, but not prevailing, a course was taken in fine to despatch a pinnace from Plymouth to fetch away Captain Argoll and his goods and booty before the arrival of the said Sir George Yeardley and his commissions.

The said Sir George Yeardley, by the persuasion (as is vehemently to be presumed) of Mr. Porey, whom the said Earl had lately recommended unto Sir Thomas Smith, then Treasurer, for the Secretarie's place of Virginia, spending much time unnecessarily upon our English coast.

But the said Earl still is satisfied with the proceedings against Captain Argoll in the Easter Term ensuing, 1619; pursued with great earnestness the displacing of Sir Thomas Smith and Alderman Johnson from the government of the Company, which succeeded accordingly.

But to stop the course of the said commissions in Virginia for examination of the actions and government of Captain Argoll, whose person had escaped from thence, new ways had been and were still devised: First, Mr. Pory, sworn Secretary of State there, and who wrote the examinations taken by virtue of the said commissions, sent coppies of those examinations underhand to the said Earl, which being discovered, and he stopped in that course, a new way was taken so to daunt Sir George Yeardley, as might clean discourage him from proceeding the said commissions, for the said Earl having published great displeasure against the said Sir George Yeardley for intercepting the packett wherein the copies of the said examinations were sent him, and threatening a sharp revenge, it was soon after rumoured by some of the said Earl's followers and spread over Virginia, even to Oppochankano himself, that the Earl would shortly come over himself

in person to be their Governor, and that Captain Argoll would be his pilot, and then he would call Sir George Yeardley into like question and examination for his own government; which rumour, confirmed also by letters from hence, is thought to have been a principal cause of that discouragement and dejection in Sir George Yeardley, which, ending in a long sickness, caused a general neglect in following the publick business, which otherwise might have proceeded to the effect here intended.

Now at the arrival here of Captain Argoll, in the former part of the year 1619, when Sir Edwin Sandys was Treasurer, the Council after some time proceeded to the examination of the said Captain Argoll, having withdrawn himself from due trial in the parts where the facts were committed, and where the true proofs on both sides were to be readily had.

Here how he was patronized by the said Earl and by Sir Nathaniel Rich, to the hindrance of the course of justice and of due restitution; how the Treasurer was wronged in performing his office and oath, and sought to be deterred ever by threats of blood from acquainting the Lords of his Majesty's most honourable Privy Council with the colony's complaint of that roving ship, the Treasurer, shall be here passed over and referred to another place. But by these means the matter was drawn to so extream length, and the Council and Company so extreamly wearied, that in fine, Captain Argoll going the voyage to Argier, all further prosecution hath been since suspended, and the Company defrauded of the great restitution, which after so great wrong they had great reason to expect.

From which time the said Earl and Sir Nathaniel Rich, with others his Lordship's followers, have generally absented themselves from the courts of the Company and other meetings in Council, and the said Earl and Sir Nathaniel Rich, together with Sir Thomas Smith, have also sold away their adventure in the particular plantation whereof they were; in the meantime the Company continued in a constant tenor of great peace and tranquility, pursuing the business of the plantation with great zeal and industry, and that without interruption by any shadow of faction till this last great rent, whereof shall be spoken in a more proper place.

For now to take a view also of the like proceedings for the Somer Islands, the Company thereof being unwilling from the

beginning that the said Earl or any other great person should grow too great in the said Islands (having great cause to fear the same), had obtained that, in his Majesty's letters-patents, no one adventurer might be owner of above fifteen shares in the said Islands, amounting to about the twentieth part of the land there, and that no matter of importance touching the state of the said islands should be ordered but in one of their great quarter-courts, to be held in the four terms, when, in likelihood, the greatest and principal number of adventurers would be present; these clauses of restraint being no way pleasing, as it seemeth to his Lordship as being opposite to the main ends projected by his followers, a course was taken during the time of Sir Thomas Smith's government to find fault with the letters-patents upon pretence of other defects, and an order of court gotten for drawing up a new patent, to be procured from his Majesty upon surrender of the former, and the care of drawing it was commended to one Mr. Pheasant, a councellor at law belonging to his Lordship, and upon whom he had bestowed either really or titularly one of his shares in the Somer Islands. This new patent being drawn, and a time appointed for reading it to the Company, upon notice of some suspicion that there was no good meaning in it there happened to be some present who seemed were not looked for, as having of a long time forborn those courts, the conclusion was that in this new intended patent the institution of quarter-courts and limitation of numbers of shares were clean omitted, which being discovered the new draught was rejected, and the Company well armed against the like attempt in future times.

There remained, as it seemeth, for supply to their desires that his Lordship should yet be so strengthened in the courts at home and so powerful by his agents in those Islands abroad that all things might be disposed of by their absolute pleasure. For the courts at home, besides other * * his followers, which did the like. His Lordship also was induced to put off divers of his fifteen shares to sundry new persons, amongst which were Captain Argoll and a brother of Captain Butler's, by which means, in that small court, they have engreatened their power.

And as for the colony itself, he procured his follower and favourite, Captain Butler, to be chosen Governor during these last three years, who, strenthening himself by the association of

a turbulent and ill-affected person, one Mr. Lewis Hughs, a minister, who had preached in the Somer Islands that the government of the Church of England by bishops was anti-Christian, and that the book of Common Prayer was but an old wive's tale fit to be read by the fireside (as was justified to his face). What course they took to alienate the inhabitants' hearts from the Company and from the Government thereof established here by his Majesty, and what oppressions were exercised over particular persons appeareth, as in part by other good proofs, so partly by the multitude of particular complaints against the said Captain Butler, whereof there shall be consideration had elsewhere in his due place, one only example shall be here produced.

In the latter time that Captain Kendall was Deputy Governor, there arrived at the Somer Islands, (vizt.) in the year 1619, a man-of-war with a commission from the Prince of Orange, by virtue whereof he had taken certain negroes in the West Indies, and being in great extremity for want of water and victual, and forbid by Captain Kendall to come into any of the said harbours, he gave him notice that he had fourteen negroes aboard which he should be forced to cast overboard for want of victuals, and rather desired to bestow them on Captain Kendall for any small consideration which he should be pleased to give them, which was performed accordingly. Captain Kendall, who had spent a long time in the Somer Islands, being one of the first inhabitants, and who, by his valour and other * * , had in time of vacancy been twice chosen Governor, now, upon the arrival of Captain Butler, was forcibly deprived by him of all the said negroes upon pretence that they belonged unto the Earl of Warwick's ship called the Treasurer, with which the said Holland man-of-war had consorted. This outrage by Captain Butler upon the goods of his predecessor, so contrary to all law and form of justice, and without any order, for ought ever appeared, enforced Captain Kendall to return to England and to exhibit his complaint against Captain Butler to the Company, where it pleased the said Earl to make claim in open court that the said negroes were his, as belonging unto his ship the Treasurer as aforesaid; and to cross Captain Kendall in his just demand, certain articles of complaint were exhibited against him, which, being referred unto examination in the Somer Islands where he that did him wrong was also to be his judge, was the cause that for a long while he got no restitu-

tion. About midsummer of 1622 the court, taking consideration of the wrong done to Captain Kendall, and the Earl of Warwick referring his claim to the judgment of the court, it was ordered that nine of the same negroes should be delivered to Captain Kendall and the rest to be consigned to the Company's use, which the new Governor, Captain Bernard, lately deceased, was requested by his instructions to see put in execution. After whose decease, by a letter there produced as from the said Earl, importing that the said negroes shou'd be delivered to the said Kendall, and upon advantage taken of mistaking the Hollander's name, the said restitution is still deferred, and the poor gentleman still languishing under the effects of most unjust oppression, so weak are the Company's orders in that plantation if they come once to be countermanded by any mandate from his Lordship. But to return to the conclusion of Captain Butler's government, who perceiving by the multitude of complaints against him that he had incurred some displeasure with the Company, and as it seemed that upon just fear that a commission would be awarded to the new Governor and others for the examining of his proceedings about the late Spanish wreck, there so much complained of, and for other misdemeanours wherewith he stood heavily charged, whether in revenge thereof or in pursuit of the aforesaid ends, he entered into a combination with Mr. Louis Hughs and some other fit instrument for such a purpose to make a collection of certain grievances to be exhibited to the inhabitants against the Company, and withal for a petition to the Lords of the Company first and afterward to the King, for altering the government of the Company here as been anti-monarchical and for the reducing it into the hands of a few principal persons. This done and being laden, it seems, with wealth and malice, contrary to a solemn order by himself enacted, and to the desire of the inhabitants, by the help of a small ship to fetch him away from the Somer Islands (as the like had been done upon the like occasion for Captain Argoll from Virginia), he was conveyed thence a little before the new Governor's arrival, and so delivered from the trial intended by the said commission, leaving those Islands with the inhabitants in a most miserable plight.

But Captain Butler (as seemeth), not satisfied with his wrong to that plantation and to the Company here for the same, goeth from thence to Virginia to be revenged also on the other Com-

pany for the same plantation, consisting in great part of the self same persons.

To Virginia he came in an ill season of the year, towards the extremity of winter, and in a worse time otherwise after the late massacre; where being refused to sit in Council with them, whereto he could shew no right, tho' entertained otherwise with great courtesy, he fed his eyes with the miserable spectacle of a country overrun with a late treacherous war, which in a heart of any sense of mortal calamity would have wrought, though not a Christain, yet a humane compassion. But he soon after returned into England, and finding the Companies full of trouble by some factious spirits, and that enquiry was already made and some reasonable discovery of his unthankful practice and conspiracy in the said Somer Islands to deprive them of that government by whom and by which himself was made Governor, means were found by some of the aforesaid instruments that he should be brought unto the King and commanded, as is said, to make unto his Majesty a true relation of the State of Virginia, which relation, termed by himself an unmasking of Virginia, and consisting of an extream disgracing of that country and plantation, together with the most bitter aspersion upon the government thereof, both there and here, how far it is in all the material points from truth hath so fully appeared by undeniable proof as that imprudence itself cannot open mouth to excuse it.

In fine, these disguised actions being now unmasked, they plainly profess Sir Nathaniel Rich in the court, his brother-in-law, Sir Thomas Wroth, at the Council Board, Alderman Johnson in his petition to his Majesty, Captain Butler in his dismasking, and others by other means, some of them in one part and some in another, that they desire an alteration of the government in both Companies, whereby, as may be very strongly presumed (comparing their former proceeding with the present), to draw the plantations into their former estate of being subject to their ambition and inexplicable avarice.

In the meantime their practises and labours are infinite in disgracing, with all kinds of calumnies and slanders, the present government of the Companies with their actions and persons. The said Earl also apparently to draw (it seemeth) unto himself some shew of a party, countenancing and gracing all sorts of opposites to the Companies upon what cause soever, and though

heretofore sundry of them no less opposite to his Lordship and under pretence of justifying those their manifold untruths, they have sued for a commission to examine those imputations wherewith they have been pleased to charge the government in these four last years, which commission, by his Majesty's grace and the Lords' noble justice ordained to extend also to the twelve years of the former government, and the Companies earnestly pressing them to take out their commission, they have delayed and do still delay the same, knowing (as it seemeth) in their own guilty consciences that they are in neither degree able to charge the latter nor yet to excuse the former.

This remonstrance of their strange and long continued proceedings of the instruments aforesaid, the said Council and principal assistants have thought fit to gather into one body and so to offer it to the view and judgment of the general courts, being a matter of the highest importance that ever came into their considerations, as concerning not a few branches, but the very bodies, life and subsistence of both the Companies and plantations.

Hereupon it was advised that seeing it may be justly feared that the opposers have some other ends in their private courses than are yet discovered, and do therefore seem to retard the commission to the wrong of the Company, that therefore the Companies be suitors unto his Majesty for the expediting thereof; which course being well approved and Sir Edwin Sandys, Sir Robert Killegrew and Sir John Davers being desired to draw the petition according to the heads propounded (and agreed on), they forthwith drew it and brought in unto the court, being this which followeth, viz:

May 7th, 1623.

*To the King's most excellent Majesty:*

The most humble petition of the Companies for Virginia and the Somer Islands:

Your suppliants in all duty present their humble petition at the feet of your sacred Majesty that whereas Alderman Johnson, assisted by sundry others, presented unto your Majesty a petition of complaint against the said Companies, and also one Captain Butler, late Governor of the Somer Islands and newly come from Virginia, exhibited to your Majesty a writing entitled the dismasking of Virginia, and the said Alderman Johnson, with his asso-

ciates, desired in their said petition to have a commission from your Majesty for the examination of the misgovernment of the said Companies, and particularly in matter of accounts for these last four years, which, by your Majesty's justice and grace and by the Lords' order, was extended to the twelve years also of the former government.

Now, forasmuch as the said Alderman, Captain Butler, and their associates, notwithstanding our request unto them and their promise thereupon, do still delay and forbear to sue out their said commision to the extream wrong of your suppliants, whose actions and persons they have most justly and untruly endeavoured to blemish in the eyes of your sacred Majesty, which blemishes cannot otherwise be wiped away but by a due tryal upon the said commission.

Your suppliants most humbly beseech your excellent Majesty to be pleased to give forth your royal command that the said commission may proceed with all convenient expedition, that thereby your Majesty may be informed of the truth of matters now questioned, the innocent may be cleared, and the culpable receive deserved punishment.

Meantime they also humbly beseech your Majesty that the great and united bodies of the said Companies may still stand right in your princely judgment and not be weighed as in equal balance with these few oppugners, which never appeared to exceed 26 in number, who have been the usual disturbers of the Companies and colonies, having contributed but little help, either by purse or council, to the great plantation and who, to the extream injury of both the Companies and colonies, have presumed to wrong the sacred years of your Majesty with many most gross untruths, as they doubt not will in due time most manifestly appear. Lastly, they humbly entreat your Majesty that the Company's books, being the records of their courts and without which they are not able to govern their business, having been sequestered 14 days, may now be restored unto them.

And that your Majesty taking into consideration of your princely justice, wisdom and grace that the Companies, consisting of near 50 noblemen peers of your realms, of some hundreds of knights and of many hundreds of gentlemen, good merchants and citizens, who have already expended upon these plantations above two hundred thousand pounds of their own proper sub-

stance, and transported thither divers thousands of your Majesty's subjects, with all their means and estates, and who are seated their in quiet as in their own proper inheritance by virtue and under the security of his Majesty's letters-patents of original grant to the Companies, that your Majesty will still be graciously pleased to preserve to the said Companies their rights, liberties and privileges granted unto them by your Majesty under your great seal of England, in affiance whereof they undertook this great and chargeable work, which otherwise would turn to the utter discouragement of both adventurers and planters, and consequently to the dissolution and destruction of the plantations.

And your most humble suppliants, the Companies aforesaid, shall proceed with their best endeavours for the advancement of the said plantations, to the great honor and profit of your Majesty, and to the glory of Almighty God, whom they pray for your most long continuance in all princely felicity.

Which petition, being twice deliberately read, and some alteration made therein, it was by a general erection of hands approved and ordered to be delivered to his Majesty with all expedition; and further, it was desired earnestly by the court that Sir Edward Sackvill would, in the name of the Companies, present the same to his Majesty, and desired also that he would be pleased to justify Sir Edwin Sandys to his Majesty touching his accounts, being audited and approved of, his Majesty having been informed that he had received nine and twenty thousand pounds of the Company's cash, for which he had given no account at all.

The Lord Cavendish acquainted the court that the committee appointed to consider of some course that might be beneficial to the Company in the farming of the Spanish tobacco, not only met, but had endeavoured by a treaty with the Lord Treasurer to have abated the six thousand pounds to five thousand pounds, but his Lordship told them he might not abate any part of the King's profit. But his Lordship said he would take such order as no more than that quantity should be brought in. Wherefore the Lord Cavendish moved, that since those who were most likely to be adventurers in the business were now absent, that, therefore, a court might be called on purpose for this business only, whereby they might come to some resolution what answer to give to the Lord Treasurer's offer, who required it without

delay, and that the Earl of Warwick, Sir Nathaniel Rich, Sir John Wolstenholme and those other officers that are the officers of his Majesty's customs be entreated to be present to give their best help and furthermore to the undertaking thereof. Whereupon it was ordered that a court should be called upon Fryday next, in the afternoon, to treat and debate upon this business only, and no other, and the officer was required to give particular notice of the business.

At a quarter-court held the 14th of May, 1623, Sir John Davers acquainted the Company that whereas, by their orders, they were first to read the precedent quarter-court, it could not now be done by reason the Lords of his Majesty's Privy Council had sequestered all the court-books out of the Company's hands.

In regard the Earl of Southampton had not as yet fully ended his three years' government till the next quarter-court, the court humbly besought his Lordship to continue the place of Treasurer until the next quarter-court, which his Lordship yielded unto. It was, by a general erection of hands, ordered that the election for this day should be suspended and his Lordship continued until the next quarter-court. And in regard the present Auditors, Deputy, and committees, and other officers were best acquainted with the business of the Company, especially with the last passages in court and the matters of accompts, wherein they can best satisfy the commissioners in case they should be required, it was therefore agreed and ordered by a general erection of hands that they should be continued in their places until the next quarter-court. This done, Sir John Davers propounded the passing of these two laws and other business proposed in the preparative court and referred to this great court for confirmation, the first law beginning with this title:

*An order of * * * the admitting of men to have voice in court.*

To avoid the bringing in of disorderly and unworthy persons hereafter to have voice here in court, it was ordered that no man shall be admitted into the court but in this manner: First, his name shall be openly proposed in some court that the Company may take notice or consider of him and make such inquiry as they shall think fit, then afterwards in the next or any other

court, if no just exception be taken to him, other orders of the Company being also observed, he may be admitted ; if exception be taken, the same shall be tried by the same or some other court; if the party appeal, it shall be tryed in a quarter-court, which law being amended with the addition of this word (hereafter), and finding in the letters-patents nothing to contradict it, but rather to confirm it, was at length put to the question, and by a general erection of hands ratified and confirmed to be a perpetual standing law and order of the Company.

Next was read the law consisting on two branches, beginning with this title:

*Orders touching the naming of Extraordinary Committees.*

To avoid all confusion in naming of committees extraordinary, it is ordered that no man may name above one committee, except the Treasurer, who may name two, and the Deputy in his absence, yet no man shall be admitted to name any committee if the business committed concern himself; if any exception be taken to any person so named it shall be decided by question in the court.

But if the matter committed be of great importance, the court shall proceed in this manner : The number of committees shall be first agreed on by the court, the one-half shall be first named by the Treasurer, Deputy and Council, and the other half by the generality, observing the order last before.

Which, for that no man took exception to them, were put to the question, and by a general erection of hands were ratified and confirmed as the former for a standing law. Sir John Davers presented unto the court three several books of accompts of the Earl of Southampton for the three last years past of his Lordship's government, audited and approved under the Auditor's hands. Touching which accompts he moved that although, by the order of the Company, his Lordship was to have his *quietus est* for the two former years, yet seeing it was now agreed his Lordship's three years' government should extend till the next quarter-court, and that this his last year's accompt is by order to lye open till then ; that therefore his Lordship's *quietus est* may be respited until his Lordship may receive it for all his accompts together, which the court generally agreed unto and ordered accordingly.

Sir Edwin Sandys' accompts being likewise presented in court, audited and approved of, it was ordered that in regard it appeared they had lain open in several courts their due time appointed by the orders of the Company, and no exception taken unto them, his *quietus est* should be granted unto him, which being presented in court was read and approved by a general erection of hands and ordered to be sealed.

The accompts likewise of Mr. John Ferrar being presented in court, audited and approved of both by the auditors and Committees, and having lain their due times in open court, and no exception taken to them, the court ordered he should have his *quietus est*, which being engrossed to the same effect as the former, was read, approved, and ordered to be sealed, which followeth:

*The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia.*

To all to whom these presents shall come—Greeting:

Whereas, John Ferrar, of London, merchant, late Deputy of the said Company, hath by four several books of accompts of his Deputyship, extending from the 20th day of April, 1619, till the 22d day of May, 1622, exhibited unto the courts of the said Treasurer and Company a true and perfect account of all moneys received by him for the use of the said Company or of the college intended to be founded in Virginia during the time of his office aforesaid or afterwards, by order of the court or otherwise, in which accompts he hath also particularly declared how the said moneys have been disbursed and expended for the use of the said Company and college by lawful warrants, with the receipts endorsed or subscribed under the said warrants, or in books for that purpose, which accompts, according to the orders of the said Company, have been examined, audited and approved by the auditors and committees of the said Company, as appeareth under their hands, and afterward the said book of accompts have lain openly in the courts of the said Company during the times in the said Company's orders appointed, and no exception hath been taken unto them, the said Treasurer and Company therefore, according to their orders established in that case at the instance of the said John Ferrar, have for them and

their successors acquitted and discharged, and by these present do forever acquit and discharge, the said John Ferrar, his heirs, executors and administrators of and from all and every the said moneys by him received, and of and from all further accompt to be by him rendered for the same, and of and from all actions, suits and demands for or by reason of the moneys or accompts aforesaid; in witness whereof, the said Treasurer and Company have hereto caused their legal seal to be affixed. Given in a great and general quarter-court of the said Treasurer and Company held the 14th day of May, 1623, and in the year of the reign of our Sovereign Lord James, by the grace of God King of England, Scotland, France and Ireland, defender of the faith, etc. (viz:), of England, France and Ireland, one and twentieth, and of Scotland the six and fiftieth.

Sealed in the presence of me:

EDW. COLLINGWOOD, *Secretary.*

And further, whereas it appeared by the auditor's and Committees' report and testimony under their hands that Mr. John Ferrar stood engaged in the sum of £320 for money taken up at interest of the Lady Ramney and Mr. Thomas Mellinge, whereof £200 was employed in provisions for building of a fort intended by Captain Each, and the rest for discharge of divers due and lawful debts from the Company, the court ordered, according to his request, that security should be given him, whereof a draught being presented in court and read, was well approved of, and by a general erection of hands ordered to be sealed, being as followeth:

Whereas, it appeareth by the report of the Auditors and Committees of the Company for Virginia, under their handwriting bearing date the 12th of May, 1623, that John Ferrar hath paid into the hands of the Right Honorable Henry, Earl of Southampton, Treasurer of the Company, the sum of £320 taken up by him, the said John Ferrar, of the Lady Rumney and Mr. Thomas Mellinge in May last past in the year 1622, whereof £200 was by order and entreaty of the quarter-court for to make provisions for the building of the fort intended by Captain Each, and the other was for discharge and payment of divers due and lawful debts from the Company, approved by the auditors and committees, the interest of which moneys having been paid until

the present 12th of May, 1623, out of the Company's cash, the principal yet remains unsatisfied and Mr. John Ferrar still engaged unto the several parties. Now, for the security and indemnity of the said John Ferrar, and for the payment and satisfaction of the said £320 aforenamed, for the said sum of £320, together with all the interest and damage that shall arise thereby, it is ordered and agreed that all such goods and commodities that shall be returned from Virginia, belonging to the general body of the Company, shall be from time to time consigned and delivered into the hands of the said John Ferrar, to be by him sold and disposed of until the said sum of £320 shall be fully paid and discharged, together with all the interest and damage that shall arise thereby; and for the further security of the said John Ferrar it is likewise further ordered and agreed that it shall be lawful for the said John Ferrar to receive and take to his own use all such moneys and debts as are and shall be due unto the Company from any whomsoever, and he, the said John Ferrar, can procure, until he be fully satisfied and discharged of the said sum of £320, together with all the interest and damage thereby arising; and it is ordered and agreed that the releases and acquittances of the said John Ferrar shall be a sufficient discharge unto all such who shall pay him any moneys until such time as the aforesaid debt be fully paid and discharged; and in confirmation of the premises, the Company for Virginia, being assembled in a great and general quarter-court held for Virginia the 14th of May, 1623, have hereunto caused their legal seal to be affixed.

Sealed and delivered in the presence of me:

EDW. COLLINGWOOD, *Secretary.*

The accompt likewise of Mr. Nicholas Ferrar, Deputy, for his last year was presented, being audited and approved of by the auditors and committees, which accompt is by order to lye open in court till the next quarter-court for any man to peruse and examine that will.

The seven patents, which hereafter follow, being duly examined and compared by the committee in the morning, and by them found agreeable to the Company's orders and to former presidents, were put to the question, and by a general erection of hands, no one dissenting, ordered to be sealed, vizt:

1. Patent to Mr. Francis Harwell.

2. Patent to Mr. Thomas Moor.
3. Patent to Mr. Richard Norwood.
4. Patent to Mr. Edward Hurd.
5. Patent to Mr. John Fills.
6. Patent to Mr. John Blyth.
7. Patent to Mr. Roper and Mr. FitzJeffrey.
8. Also a confirmation of 32 shares to Mr. John Newport, descended unto him by the death of his father, Captain Christopher Newport, which confirmation being read and approved in the preparative court, as also in the morning by the committee, was now put to the question and ordered to be sealed. According to a former proposition in the preparative court, the Lord Bruce was now admitted into the Company and chosen to be one of the Council by a general erection of hands.

Also Sir Humphrey May was chosen to be of the Council. In like manner Mr. White and Mr. Tomlyns, being proposed in the former court, were now chosen of the Council. Mr. Thomas Newton having been employed in warning of courts ever since Mr. Carter left the place, and being proposed at the last court as one very sufficient to perform the service, it was, by erection of hands, agreed he should be continued as Beadle in warning of courts till the next quarter court and then should be chosen for the place.

The shares propounded the last court were now passed and the persons admitted, viz:

Ten shares assigned to John Burgh from Peter Humble. Also one share to Mr. Robert Edwards from Mr. Bland.

Sir Edward Sackvill, Sir Robert Killegrew and Sir John Davers were by the court entreated to go to-morrow to the commissioners and to signify unto them that the Company, to their great joy and content, have understood of the delivery of his Majesty's commission unto their hands to enquire and certify all such abuses and misdemeanours as have been committed at home and abroad in the Government any ways tending to the prejudice or overthrow to that pious and royal work.

And do, therefore, very earnestly and unanimously desire that they would be pleased to take into their consideration the truth or falsehood of a certain information not long ago exhibited by one Captain Butler unto his Majesty, entitled the unmasked face of our colony in Virginia, which hath given so great and deadly a

wound to happy progress and prosperity of that colony, as until by their wisdom and integrity the truth may be discovered and the world repossessed again with their former good opinion; and with the late conceived hopes of that plantation, it must indubitably languish if not shortly perish for want of those dayly supplies which, before the reputation of that plantation was thus tainted, came in great abundance; many well disposed persons being by the great conceived hopes thereof invited, some to transport their persons, others largely to contribute their purses to the great increase of that glorious action.

This being an act which is in the commissioner's power to grant, and a favour so beneficial for the Company to receive, they shall proportion their acknowledgment and thanks according to their just estimation of the same.

It was also further moved that the commissioners might be very earnestly desired, together with the examination of the said information, to take into their consideration the declaration presented by the Council on Wednesday last touching Captain Argoll and Captain Butler, which was received to have strict relation to that part of Captain Butler's information which concerned the misgovernment in Virginia.

Forsomuch as it was informed the committee heretofore appointed for drawing up the preamble for bringing in the 40,000 weight of Spanish tobacco had as yet done nothing therein, the court earnestly desired that they, or any of them, not excluding any other of the Company that would come in and underwrite, would meet about it some time to-morrow in the afternoon to expedite the same, that some account thereof may be given to the Lord Treasurer as soon as may be, which his Lordship expects.

Upon motion, order was given for drawing and sealing a commission for John Fells, master of the Jacobb, of about 80 tuns, for transporting of passengers and goods to Virginia.

At an extraordinary court held the 17th of May, 1623, the Earl of Southampton acquainted them that this court was upon a warrant received from his Majesty's commissioners, and directed to the Secretary, the copy whereof hereafter followeth:

By virtue of his Majesty's commission, under the great seal of England, to us and to others directed, bearing date the 19th day

of this instant May. These are to require you to bring before us to the quest-house, next adjoining to St. Andrew's Church in Holborn, upon Saturday next, at two of the clock in the afternoon, all and singular such letters-patents, proclamations, commissions, warrants, records, orders, books, accompts, entries and all other notes and writings remaining in your or any of your custody concerning the plantations in Virginia or the Somer Islands, or concerning the several Companies; there to be perused by us according to the directions of the said commission; hereof fail you not. Dated this 15th day of May, 1623.

Your Loving Friends,

WILLIAM JONES, NICHOLAS FORTESCUE,
HENRY SPILLER, . FRANCES GOFTON.
WILLIAM PITT,

*To Edward Collingwood, Secretary to the Company of Virginia, and to the clerks and officers of the said Company, or to such other persons as it may appertain.*

Whereupon the court ordered and appointed the committee hereafter named, or any three of them, with the Secretary, to attend the commissioners from time to time with the letters-patents, books of accompts, and be by them required to be brought; and at every rising of the commissioners to bring back the original letters-patents, leaving there with them the copies of the said letters-patents, which they hoped would content the commissioners. As for the accompts, the commissioners were to be desired in the Company's name that they would respite the delivery until the accomptant might take copies of them, when, together with the other things, they should be delivered unto them.

The committees are these:

Sir Robert Killegrew, Mr. White,
Sir John Davers, Mr. Withers,
Mr. Herbert, Mr. Bland,
Mr. Tomlyns, Mr. Barber,
Mr. Berblock.

A motion was made that the declaration entitled, "A Declaration made by the Council for Virginia and principal assistants for

the Somer Islands, of their judgments touching an original great cause of the dissenting in the Companies and present oppositions," delivered into the court by the Council on Wednesday, the 7th of May, might be directed with request unto the commissioners that they would take speedy consideration of it, it was conceived that the said declaration was delivered unto them already from the Lords of the Council, who had the same, and that it was and would be incident to the examination of Captain Butler's declaration, recommended from the last quarter-court to be first examined. But, for the more surety, it was concluded that the gentlemen directed by the court to go with the Secretary, carrying the patents and books, should make request from the Company to the commissioners for the speedy examining of the declaration delivered in by the Council for Virginia on Wednesday, the 7th of May, together with the said former declaration of Captain Butler, as matter of special consequence and encouragement of the plantation, and therefore to be speedily cleared and adjudged.

It was moved that in regard through the two deputies' restraint, Mr. John Ferrar and Mr. Nicholas Ferrar, there was a great interruption in preparing of the business of the Company for the commissioners; and if at the meeting of the commissioners they should be absent, there would perhaps arise great prejudice to the Companies' causes, in respect they were the greatest accomptants, and because of their places most versed in the business of these latter years, that therefore the Lords of his Majesty's most hon'ble Privy Council might be humbly petitioned, in the name of the Company, so far to release them of their restraint as they might be enabled to go forward with the business, and in particular to attend the commissioners when the Company's causes should be handled, which, in regard it was conceived to be for the general good of the Company, was hoped would be granted, it was accordingly ordered that a petition to that effect should be drawn up to be presented to the Lords.

At a court held the 24th of May, 1623, Mr. Deputy signified that he calling this extraordinary court was upon a letter from his Majesty directed unto the Treasurer, Council and Company, which the Earl of Southampton, having read, had delivered unto him, himself by reason of extraordinary occasions being forced to be absent. The copy of the letter here ensueth:

JAMES REX:

Trusty and well beloved, we greet you well; foreseeing many inconveniences of pernicious consequence to the plantations of Virginia (the good whereof we have so much ever affected) by sundry disorders and abuses crept of late into the courts and other assemblys held for that Company, and having directed now to that purpose a commission, under the great seal of England, for the examining of those abuses and all other miscarriages in that government, since the first beginning thereof, we have in our wisdom thought fit, as a preparative to the reformation we intend, to signify hereby our pleasure and express commandment unto you that no man of what degree or quality soever shall come to these courts or committees of your Company who, besides his freedom and land, hath not some men now or lately planted upon his shares, or that is not at this instant engaged (and accordingly pursues) the sending of men and supplies thither by the next shipping; at which meetings, if any other shall presume to be present, they shall be proceeded against as factious and seditious persons; and our pleasure is that this command shall continue until the return of the commission now on foot for settling these businesses; we do likewise utterly forbid that any complaints be brought to the commissioners against any man in the name of the Council or Company, as we do in like manner require the commissioners not to meddle with any such, because that course only tends to diffamation and to raise more contention, for nothing can be the act of the Company which is not first debated and resolved. Wherein, forasmuch as we understand the Lords of our Council have given express order that no matter of difference should be any more stirred there, and so by that means to bring matters determined by the Council and Company to the commissioners, which were to preoccupate the commissioners' judgments or else to oppose the act and opinion of the commissioners to the act of the Council and Company, our will and pleasure therefore is that whatsoever he or they be that will complain of any man, either for publick wrongs to the Company or private injuries to himself, they shall bring their complaints in writing, subscribed with their names as the commissioners, who shall receive answer thereof in writing, and thereupon proceed as they shall see cause, for all which we do assure ourselves to find that conformity from

you which in duty you owe to our commandments and which undoubtedly we shall expect at your hands.

Given under our signet at our court at Greenwich, the 18th of May, 1623, in the one and twentieth year of our reign of Great Britain, France and Ireland.

The letter being read, it was generally agreed that in obedience to his Majesty's command they would keep no more courts until they understand his gracious pleasure concerning the two points therein contained, which, after they had with much reverence and duty maturely considered of, the court besought the Lord Padgett and Sir Edward Sackvill to draw up an humble petition to his Majesty, which they accordingly did, and bringing it into the court it was ordered to be presented to his Majesty, together with the reasons of the court, the drawing of which into form maintaining the substance of what had been delivered in court was referred to the Lord Padgett and Sir Edward Sackvill, who pleaded to undertake it; and for the delivery both of the reasons and petition the court, having had experience of his honourable love and affection to the Company and plantations, besought my Lord to entreat Mr. Chancellor, of the Dutchy, to perform this good office for them, which, not doubting but that he would accept, Mr. George Scott, Mr. Zouch and Mr. Bennett were desired to attend Mr. Chancellor with the petition and reasons the day following at court.

At a court on the 9th of June, 1623, Mr. Deputy acquainted the Company he had received a letter from his Majesty, formerly delivered from Mr. Chancellor of the Dutchy, which letter he presented to the court, whereupon it was opened and read. The copy whereof doth here ensue:

JAMES REX:

Right trusty and well beloved, we greet you well; whereas we understand that our letters sent unto you, bearing date the 18th of May last past, have been conceived and understood contrary to our meaning, and that for that cause your courts and committees have been since forborn and the prosecution of your business before our commissioners neglected.

We do, therefore, signify unto you that our intention was not to exclude from sitting in your courts any of those who, by au-

thority of our letters-patents, have right to be present at the same, being an adventurer.

But only if it appear that any man, for the strengthening of sides or maintenance of faction, have been unduly or without certain right admitted, that then we will the examination thereof be likewise had before our said commissioners, or such others as we shall appoint if the cause shall sooner require it. In the meantime you may proceed in your courts to your businesses, using the liberty granted you by our letters-patents with such discretion and moderation touching the admittance of any man for the time to come as shall be fit, so he be an adventurer. It is likewise our pleasure that in prosecution of such causes before our commissioners as contain the united body of your Company, the Company may in their own name follow the same, but shall not, by any means, in publick court cause to be read any matter of personal charge tending to the publick disgrace of any person whatsoever, but shall leave the same to such of our Council for Virginia as the body of the Company have no complaint against, or such other committees as the court shall think convenient; and our express pleasure is that the Company forbear to take upon them the prosecution of any one particular man's cause, but shall leave them without such publick protection to exhibit every one his own complaint in his own name, which they shall also subscribe with their hands. Given under our own signet at our court at Whitehall, the 4th day of June, 1623, in the one and twentieth year of our reign of Great Britain, France and Ireland.

The court hereupon thinking fit some remonstrance of their thankfulness should be given to his Majesty for so gracious an answer, desired the Lord Cavendish, Sir Edward Sackvill, Colonel Ogle and Sir John Davers to entreat Mr. Chancellor in the name of the Company to take that further pains to present their humblest thanks to his Majesty according to the mind of the court, which was at large expressed.

It was moved that, seeing by his Majesty's letter the Company were at liberty to prosecute such causes before the commissioners as concerned the united body of the Company, they would therefore now bethink themselves of some fit matter to present unto them to work upon, that by a speedy beginning they might come

to a speedy end. Whereupon it was agreed and ordered upon that there should be immediately presented unto the commissioners the reasons of the exceptions which the Company took against Sir Thomas Smith's accompts, and together therewith the other declarations, answers, etc., which the grand committee having drawn up had formerly presented to the Company. Amongst which they conceived Captain Butler's unmasking of Virginia to be of the greatest importance, and therefore to be recommended to the commissioners to be expedited ; and to this end, for the better preparing of these and other matters whereof the Company were to make their defence, it was thought fit and, by a general erection of hands, ordered that the auditors and those several committees were formerly appointed should again meet as often as there should be occasion, and that the Council should also meet and join with them in their advices about the same, and so in the Company's name matters should be presented to the commissioners, according to the permission of his Majesty's letter.

Upon request made, a commission was ordered to be drawn up and sealed for Edwin Tutchin, master and captain of the Due Return, of Lyn, of about 60 tun, for transport of passengers for Virginia, and after for a fishing voyage.

Upon a motion, a patent was ordered to be drawn up against the quarter-court for Mr. Dilke and his associates, for planting one hundred persons in Virginia at their own charge.

At a quarter-court held on the 25th of June, 1623, Mr. Deputy acquainted the court that he had received a letter from his Majesty, sent unto him by a servant of Mr. Secretary Calvert's, and directed unto the Treasurer, Council and Company for Virginia, with which letter having acquainted the Council for Virginia, they thought fit it should be first read before they proceeded to any other business ; whereupon the letter was opened and read, the copy whereof doth here ensue:

JAMES R.:

Right trusty and well beloved, we greet you well ; forasmuch as we have appointed a commission to examine the present state of the Virginia plantation, with sundry other things and matters appertaining thereunto, and that we expect within these few days to have some accompt made us of their labours in that service,

understanding that to-morrow, being the 25th of this month, you intend to hold a court for the said Company, our will and pleasure is that you forbear the election of any officers until to-morrow fortnight at the soonest, but to let those that be already remain as they are in the meantime. Given at our court at Greenwich the four and twentieth day of June, in the one and twentieth year of our reign of Great Britain, France and Ireland.

*Directed to our right trusty and well beloved, the Treasurer, Council and Company of Virginia.*

Which letter being read, after a long and general silence in the court, it was at length taken into consideration whether by the King's letters-patents they had power to make their election in any other but a quarter-court; whereupon the patent being perused, and that point duly weighed and examined, it plainly appeared by the very express words of the patent that the choice of Councellors and officers were restrained and licensed to quarter-courts only, and that although it were without negative and exclusive words, yet it was conceived it was employed in the very sence thereof in regard there is set down particularly what shall be done in inferior courts and what in quarter-courts, which manner of distinction could amount to no less than a plain exclusive; and it was further added that the custom and usage of the Company in their yearly elections have been suitable thereunto, having always chosen their officers in quarter-court only and not in other courts.

And it was further taken into consideration, that whereas by the last quarter-court the Treasurer, Deputy and other officers be still continued until a new choice were made.

The court having thus declared their opinion, and divers being desirous that it might be put to the question, the Secretary was caused by the court first to set down the question in writing, which was dictated unto him in manner following, viz:

The Company of Virginia, in obedience to his Majesty's letter, do this day forbear their election, and continue all their officers till the next quarter-court, his Majesty having given them power by his letters-patents to make election only in a quarter-court; which being read and put to the question, the whole court, with one general and unanimous consent, agreed thereunto, no one dissenting.

Sir Samuel Sandys acquainted the court he had received a letter from Sir Francis Wyatt (the present Governor), wherein he made request that he would move the Company, that as well in regard of his great loss since he went to Virginia (being out of his estate well near £1,000), as also in discharge of their own promise to him that he should have his just number of men belonging to his office as Governor, that accordingly thereunto they wou'd please supply him very speedily, being not able otherwise well to subsist, which motion and request the court thought fit to refer to the Council's consideration.

The preparative court was now read and, by a general erection of hands, approved to be rightly set down.

Next the matters propounded in the said court were again moved and passed in the manner following:

First. The Earl of Southampton's *quietus est* for his three years' accompts, audited and approved of, extending from 28th of June, 1620, until the 25th of June, 1623, being ordered to be drawn up and brought into this court by the last quarter-court as also in the last preparative court, the same was accordingly done and presented, the copy whereof doth here ensue:

*The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia.*

To all unto whom these presents shall come—Greeting:

Whereas the right honourable, Henry, Earl of Southampton, Treasurer of the said Company, hath by three several books of accompts of his office of Treasurer of the said Company, extending from the eight and twentieth day of June, 1620, until the five and twentieth day of June, 1623, exhibited unto the courts of the said Treasurer and Company a true and perfect accompt of all moneys by him received for the use of the said Company or of the College intended to be founded in Virginia during the time of his said office as aforesaid; in which accompt he hath also declared how the said moneys have been expedited and disbursed for the use of the said Company and College, by lawful warrants, with receipts endorsed or subscribed. Which accompts, according to the orders of the said Company, have been duly examined, audited and approved of by the Auditors of the said Company as appeareth under their hands, and afterwards the

said several books of accompts have lain openly on the tables in the courts of the said Treasurer and Company during the times in the said Conpany's order appointed and no exception hath been taken to them ; the said Treasurer and Company therefore, according to their orders in that case established, have for themselves and their successors acquitted and discharged, and do by these presents forever acquit and discharge, the said Henry, Earl of Southampton, his heirs, executors and administrators of and from all further accompts by him to be tendered, and of and from all actions, suits and demands, for or by reason of the moneys or accompts aforesaid. In witness whereof the said Treasurer and Company have hereunto caused their legal seal to be affixed. Given in a great and general quarter-court of the said Treasurer held the five and twentieth day of June, 1623, and in the years of the reign of our Sovereign Lord James, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, etc., vizt : of England, France and Ireland the one and twentieth and of Scotland the six and fiftieth.

Which, being read and approved, the court ordered, by a general erection of hands, it should be sealed.

Next Mr. Deputy Ferrar's *quietus est* for this his year's account, extending from May, 1622, till June the 25th, 1623, being by like order drawn up and brought unto this court, was read, ordered and approved to be sealed, the copy whereof ensueth :

*The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia.*

To all to whom these presents shall come—Greeting :

Whereas, Nicholas Ferrar, Deputy Treasurer of the said Company, hath, by one book of accompt of his office of Deputyship of the said Company, extending from the — day of May, 1622, till the 25th day of June, 1623, exhibited unto the courts of the said Company a true and perfect accompt of all moneys by him for the use of the said Company, in which accompt he hath also particularly declared how the said moneys have been disbursed and expended for the use of the said Company by lawful warrants, with receipts endorsed and subscribed or otherwise; which accompts, according to the orders of the said Company, have been examined, audited and approved by the auditors of the said

Company, as appeareth under their hands, and afterward the books of accompt have lain open in the table of the courts of the said Treasurer and Company during the times in the said Company's orders appointed, and no exception hath been taken at it; the said Treasurer and Company therefore, according to their orders in that case established, have for them and their successors acquitted and discharged, and by these presents do forever acquit and discharge, the said Nicholas Ferrar, his heirs, executors and administrators of and from all and every the said moneys by him received, and of and from all and further accompts by him to be rendered for the same, and of and from all actions, suits and demands for or by reasons of the moneys or accompts aforesaid. In witness whereof the said Treasurer and Company have hereunto caused their legal seal to be affixed. Given in a great and general quarter-court of the said Company held this 25th of June, 1623, and in the years of the reign of our Sovereign Lord James, by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, etc., viz: of England, France and Ireland the one and twentieth, and of Scotland the six and fiftieth.

Teste: EDWARD COLLINGWOOD.

In regard of the often weighty and urgent occasions of calling courts in the long vacation, when commonly most gentlemen do withdraw themselves into the country (whereby it falls out oftentimes that a sufficient number of the Council cannot be had in town to make a court, to the great prejudice of the Company's business then happening and requiring consultation and present resolution), to supply which defect the Council having recommended to the last court four able gentlemen, three whereof being citizens, who by their continual being in town, and near dwelling to the place where the courts are kept, it may be presumed they will be ready to afford their attendance as there shall be occasion, and be careful of the Company's businesses, which, as private members, they had so diligently followed, the names of which gentlemen were these, vizt:

Mr. Scott, Mr. Wheatley,
Mr. Bland, Mr. Berblock,

who, being put to the question, were by a general erection of

hands chosen of the Council; and the rather in regard there fall out some urgent occasions requiring their attendance and service in this long vacation, it was likewise moved and thought fit that they should repair to the Lord Chamberlain to take the oath of a Councillor.

These patents following, formerly being ordered to be drawn up, and this afternoon examined by a Committee before the court began (who, comparing them, found them agreeable to former presidents), were now put to the question and ordered to be sealed, vizt:

A patent to Mr. John Zouch.

A patent to Mr. Edmund Prinn.

A patent to Mr. Clement Dilke.

A patent to Mr. John Proctor, each of them undertaking to transport 100 persons, with sufficient necessaries and provisions for cultivating their own land.

At a court held the first of July, 1623, Mr. Deputy acquainted the court that having received a letter from one Mr. Peaseley (a servant of Mr. Secretary Calvert's) signifying, in his master's name, that he with some others was to attend the Lords on Monday following at Whitehall, accordingly he there attended their Lordships, before whom being admitted, their Lordships signifyed that they had been informed that the private letters that came by the last ships from Virginia that his Majesty's subjects there were in a very great want and like to perish there, an abstract of which letters the commissioner had presented unto them, which they caused to be read at the board; with which informations the Lords said they were satisfied so far as that they did believe the colony to be in great extremity, and thereupon commanded a court to be called at this day, and the court to be made acquainted with the report of the said letters by sending the abstract unto them, whereby, having informed themselves of the miserable estate of the colony, they may consider how to send present supplies unto them and hereof to bring their answer this afternoon.

The court hereupon caused the said abstract to be read, which being done, the Company entered into a serious consultation how to raise a supply, to which purpose, although divers propositions were made, yet none of them cou'd be resolved on, in regard of the shortness of the time they had now to consider of it; where-

fore it was generally agreed in the end that this answer following should, for the present, be returned to their Lordships:

*The Humble Answer of the Virginia Company, being assembled in a general Court held the 1st of July, 1623, to the Right Honourable the Lords of his Majesty's most honourable Privy Council.*

The Company having taken into consideration your Lordships' command of sending speedy supplies of victuals and provisions to Virginia, do find that not only divers hundreds will be supplyed by their particular adventurers, but also sundry particular persons by their friends; and for the general supply they have had proposition of underwriting a large magazine, but many difficulties arising therein they were not able to come to any final conclusion this day (the court being, through the shortness of the warning, very thin), and do therefore humbly desire respite until Friday next to consider and advise thereof, that a large and full court may be assembled and the rest of the adventurers acquainted therewith.

But whereas there are divers persons indebted to the Company upon subscriptions, which moneys are long due and amounts to a very great sum, if it might please your Lordships that some speedy course might be taken to cause those that are so indebted to pay their said sums, there would be a very valuable sum raised as well for the present as future occasions, which they humbly submit to your Lordships' honourable consideration.

At a court held on Friday, the 4th of July, 1623, Mr. Deputy signified that, according to the order of the last court, he presented to the Lords of his Majesty's Privy Council the Company's answer touching their Lordships' command for a present supply to be sent to Virginia; but their Lordships seemed not to be well satisfied; but required the Company's present resolution what course they could propound for the speedy relieving of the colony, which they conceived at this time to be in a very great want and extremity, and therefore willed them to consider and to bring their answer as this day, according to their Lordships' command.

Mr. Deputy said the Company had considered of it at the last court, propounding two ways, which seemed very feasible, for

raising of a present supply, namely, by the sending of a magazine for to relieve the Company's tenants; and secondly, by means of such voluntary supplies as particular societies and private adventurers would send to their own people. To which end he said there were two several rolls drawn up, which were now presented in court; whereunto, forasmuch as it appeared that divers had already underwritten good sums, it moved others by their good examples to underwrite freely and liberally. There was also a third roll presented in open court for the other side which opposed the Company to underwrite, whom Sir Edward Sackvill earnestly moved they would do something towards this general supply intended, in regard they know so well the state of the colony to be such as they had great need of it, and had also much pressed before the Lords that a supply might be sent.

Mr. Caswell being proposed for Treasurer for the magazine, was, by a general erection of hands, chosen and appointed thereto accordingly.

It was likewise, upon motion, agreed and ordered, by erection of hands, that according to those heads now propounded by the Lord Cavendish the Council be entreated to draw up a short declaration to be presented to the Lords of the Council, to shew that the fault of this supposed want in the colony is not to be imputed to the present government of the Company here.

At a court held on the 9th of July, 1623, the Deputy acquainted the Company that, according to the direction of the last court, he presented unto the Lords of his Majesty's Privy Council a short declaration that was then ordered to be drawn up, wherein amongst other things were signified of the Company's mind to send a speedy supply to Virginia, according to their Lordships' command, and that by two ways, namely: by way of a magazine; and secondly, by means of those supplies that would be sent by private adventurers to their own people in Virginia, to which purpose a great sum was already underwritten in each roll; but their Lordships conceived that this would not be sufficient unless the whole Company be ordered to contribute to their parts towards the raising of a stock according to the number of each man's shares, by rating them at 20s., or at least at 10s. ℔ share, and that by order of the Lords of the Council to be compelled to pay the same; notwithstanding, upon further weighing of

those reasons, then delivered against this course, their Lordships in fine were pleased to leave it to the Company to order the same by a general consent, doubting but they that had so well begun would further proceed to the raising of a sufficient supply. The court taking this into their consideration, after mature debate it was at length moved and thought fit that there should be several rolls made, to the intent that the adventurers might chuse their own treasurers, without which being men would not adventure, whereupon it was ordered that the officer should carry the rolls to such adventurers as are in town, and in the Company's name to solicit them, both for the weightiness of the present occasion, and likewise for the satisfaction of his Majesty and the Lords, to underwrite liberally.

Upon Captain Harry's motion and request for a commission for his ship, the Southampton, that is to carry passengers and goods to Virginia, order was given for drawing up a commission for the said ship and to seal the same.

At a court held the 15th of October, 1623, Mr. Deputy acquainted the court that by command of the Lords of the Council, himself with some few others of the Company had attended their Lordships at Whitehall on Wednesday last, wheir their Lordships first demanded an accompt of him whether the supplies of meal and other things (according to the underwriting formerly presented unto them) were sent to Virginia for relief of the great necessities and distress, wherein they had been informed that the colony stood; whereunto his answer was, that he conceived that all things promised by the Company to their Lordships had been performed with a very large advantage.

Afterward their Lordships propounded unto him some other very weighty propositions, which his humble request unto their Lordships was might be drawn up into an order of that Board, that so he might present it unto the Company, which their Lordships were pleased favourably to condescend unto, and having sent him an order, he said he need not himself speak anything since they should hear most fully from the order itself, which was read, being as followeth:

Whitehall, the 8th October, 1623—Present:

| | |
|---|---|
| Lord Keeper, | Lord President, |
| Lord Viscount Grandison, | Lord Carew, |

Lord Chichester, Mr. Secretary Calvert,
Master of the Rolls.

This day the Deputy and divers of the adventurers and Company of Virginia were called before this Board, unto whom their Lordship declared that his Majesty having taken into his princely consideration the distressed estate of that colony, occasioned as it seemeth by miscarriage of the government in that Company, which cannot be well remedyed but by reducing the government into the hands of a fewer number of Governours near to those that were in the first patents of that plantation, but especially to be provided that the interest of all adventurers and private persons whatsoever shall be preserved and continued as they are, hath therefore resolved by a new charter to appoint a Governor and twelve assistants, residents here in England, unto whom shall be committed the government of that colony and Company, which Governor and his assistants his Majesty will be pleased to nominate and make choice of the first time; and afterwards the election of the Governor to be in this manner, vizt: the assistants to present the names of three to his Majesty, of whom his Majesty will be pleased to nominate one to be Governor, and the assistants to be chosen by the greater part of the Governor's assistants for the time being; the names of them to be chosen being first presented to his Majesty or to this Board, to be allowed or disallowed by his Majesty, and the Governor and six of the assistants to be thus changed once in two years; and his Majesty is pleased that there shall be resident in Virginia a Governor and twelve assistants, to be nominated by the Governor and assistants here resident, they presenting their names to his Majesty or this Board, that his Majesty may allow or disallow of the same; and as the Governor and assistants resident in Virginia shall have dependance and relation with the Governor and assistants resident here, so the Governor and assistants here shall have relation and dependance on this Board, whereby all matters of importance may be directed by his Majesty at this Board; and that in the same charter his Majesty purposeth to make the like grants as well of lands as of franchises and other benefits and things as were granted in the former charters, with declaration that for the settling and establishing of private interests of all men this new Company shall confirm or

newly grant unto them the like interest as they enjoy by grant, order or allowance of the former Company; and therefore the said Deputy and other of the said Company were by their Lordships required to assemble a court on Wednesday next therein to resolve whether the Company will be content to submit and surrender their former charters and accept of a new charter, with the alterations above mentioned, and to return their answer with all expedition to this Board, his Majesty being determined, in default of such submission, to proceed for the recalling of the said former charters in such sort as shall be just.

*Vera copia.* JO. DICKENSON.

Which order being read three several times, the Company seemed amazed at the proposition, so as no man spake thereunto for a long time; at length Mr. Deputy desired them to bethink themselves in so weighty a business what answer they would give him to return with unto their Lordships, which their Lordships would expect upon next Fryday following; whereupon it was by divers, one after another, answered that the matter was of such consequence and weight as that they had no power to give answer unto in this court, being but an ordinary court, which by his Majesty's letters-patents are only enabled to handle and order casual and particular occurrences and accidental matters of less consequence and weight, but all weighty affairs, and particularly all things concerning the manner of government, were restrained by precise words in the letters-patents to the quarter-courts; wherefore, during the patent was in force, they might not in this ordinary court take upon them any such authority to determine such a matter as this, being of the highest nature that ever was propounded to them; and hereupon the letters-patents were called for, and found exactly to agree with what had been alledged. It was also further alledged how inviolably and exactly they had always made their practice answerable hereunto, not taking liberty to themselves so much as to give a share of land but in a quarter-court; and further, it was alledged that whereas besides the new adventurers (which cannot be thought to be less than four or five hundred) and all the planters in Virginia, which are equally interessed in his Majesty's most gracious letters-patents, there were near 1,000 persons named

in the letters-patents themselves, to whom the grant was made, whereof there was not judged to be above thirty persons present in court; wherefore the Company conceived themselves, even in conscience, bound not so soon to pass away all their interest, but rather to be humble petitioners to their Lordships upon these just grounds, that their answer might be respected until the quarter-court, which was not very far off, against which time they should have leisure to consider well of so weighty a business, and a very large and general summons might be given to all men to appear then, with a particular intimation of the business to be determined, to the intent that they might be the rather induced to afford their presence, which, if they did not, they should be without excuse forever after complaining.

But some few moved that they would rather, in conformity to their Lordships' order, presently surrender their charters, and professed themselves very willing to surrender it; whereupon the court desired Mr. Deputy to make two questions according to the two several propositions.

First, whether the Company at the present court would surrender up their charter to have a new patent, according to such alterations as were mentioned in their Lordships' order; it being thus put to the question, there were only eight hands held up for the present surrender.

Secondly, it being put to the question whether the Company had rather desire respite of their Lordships till the next quarter-court, for the reasons which had been alledged to make answer to the proposition, the court, by a general erection of hands (the former eight only excepted), agreed to petition the Lords for respite till their next quarter-court, and thereupon caused the answer following to be drawn up in presence of the court, which, being afterwards read and approved, was ordered to be delivered to the Lords in the name of the Company, which answer doth here ensue:

*The most humble answer of the Company for Virginia, assembled in a court held on Wednesday, in the afternoon, the 15th of October, 1623.*

The Company for Virginia, being assembled according to your Lordships' command, and having understood your Lordships'

REESE LIBRARY OF THE UNIVERSITY OF CALIFORNIA

order containing a proposition for the giving up of their charters, conceive it in divers respects to be of such great weight and consequence as by special limitation of their letters-patents is restrained only to the determination of a quarter-court. Wherefore as also in regard there was not assembled above one hundred and twenty persons, whereas, besides the new adventurers and planters in Virginia (which are all equally interessed), his Majesty's letters-patents are granted to above one thousand persons of higher and inferior rank by their particular names, and also unto threescore Companies of the City of London and other corporate towns therein mentioned; the Company then assembled most humbly beseech your Lordships to give them respite until the next quarter-court the 19th of November, which is the soonest time the said letters-patents gives them power to make further answer therein, and against which more general summons shall be given.

The court also ordered that there should be a very particular summons of all the adventurers against the next quarter-court, which was to be the 19th of November, that further answer might be made unto their Lordships concerning this weighty proposition, in which regard it was ordered that the officers that warned them should give them especial notice of the business, and desire them in the Company's name not to fail to be present. It was also thought fit that all the Lords and great officers, free of this Company, should be against that day acquainted with the business and respectively invited to afford their hon'ble presence; and for this Mr. Waterhouse and the Secretary were appointed by this court.

At an extraordinary court held the 20th of October, 1623, Mr. Deputy acquainted the court that himself with some few others of the Company had presented unto the Lords of the Council on Friday last, at Whitehall, the Company's answer to their Lordships' proposition touching the surrendering up of their charters, but their Lordships seemed not satisfied therewith, as appeared by another order which he had since received from their Lordships, which had occasioned the sudden calling of this present court, their Lordships expecting this day a direct answer from the Company touching their former proposition, the copy whereof doth here ensue:

At Whitehall, the 17th of October, 1623—Present:

Lord Archbishop of Canterbury,
Lord Treasurer, Lord Viscount Grandison,
Lord President, Lord Chichester,
Earl Marshall, Mr. Treasurer,
Earl of Carlisle, Mr. Secretary Calvert,
Earl of Kelly, Mr. Chancellor of the Exchequer,
The Master of the Rolls.

This day the Deputy and others, representing the body of the Virginia Company, did, in conformity to the order they had received, exhibit at the board their answer to that which, according to his Majesty's pleasure, their Lordships had both propounded unto them by an act of Council, dated the 8th of this month, whereof a copy was delivered unto them, in which doth manifestly appear his Majesty's gracious intention and royal care of the plantation, both generally for the want of government and particularly for the conserving every man's private interest; now forasmuch as the said answer is merely dilatory, the said Deputy and the rest pretending thereby that by reason of a limitation in their patent they may not handle matters of that nature and weight but at a quarter-court, which will not be until the 19th of November next, their Lordships being no way satisfied with this pretence, and considering that his Majesty expecteth a speedy account of the proceedings in this business, which also in itself requireth all expedition in regard of the importance and consequence thereof, have therefore ordered and expressly charged the said Deputy and the rest that they assemble themselves again forthwith, and on Monday next in the afternoon, which will be the 20th of this month, deliver a clear, direct and final answer to that which had been before propounded and was this day reiterated unto them, viz: whether the said Company will be content to submit and surrender their former charters and accept of a new charter with the alterations mentioned in the aforesaid act of Council; and to this purpose the said Deputy was likewise commanded to propound the question to the said Company in those clear and plain terms in which it was delivered.

Ext: Jo. Dickenson.

Which order being twice deliberately read, after some pause

and dispute had by both parts, Mr. Deputy put it to the question in the very words expressly set down in the said order, viz:

As many of you as be content to submit and surrender the charters you now have, and accept of a new charter with the alterations mentioned in the foresaid act of Council, hold up your hands. To which only 9 hands were held up.

Again, as many as will not, hold up their hands. To which there was a general erection of hands of the whole court, the aforesaid 9 only dissenting; whereupon the answer following was drawn up in presence of the court, and, being read, was generally approved and ordered to be delivered to the Lords in the name of the Company. The copy whereof doth here ensue:

*The most humble answer of the Virginia Company to the Right Honorable the Lords and others of his Majesty's most Honourable Privy Council.*

The Company of Virginia being assembled the 20th of October, according to your Lordships' command, and the Deputy having put to the question your Lordships' proposition in the direct words that your Lordships commanded, there were only nine hands for the delivering up of the charters, and all the rest (being about three-score more) were of a contrary opinion.

At a court held the 22d of October, 1623, Mr. Deputy acquainted the Company that since the delivery of the last answer to the Lords of the Council, the 20th of this month, touching the surrendering up of their charters, he had received from Mr. Dickenson, clerk of the Council, another order from their Lordships, bearing date the same day, with intimation that their Lordships did require it to be forthwith published to the Company; in regard whereof he caused this present court to be assembled. Whereupon the order was presented and read, being as followeth:

At Whitehall, the 20th of October, 1623—Present:

Lord Archbishop of Canterbury,

| | |
|---|---|
| Lord Keeper, | Earl Marshall, |
| Lord Treasurer, | Lord Viscount Grandison, |
| Lord President, | Lord Chichester, |

Lord Privy Seal, Mr. Secretary Calvert,
The Master of the Rolls.

Whereas their Lordships were this day informed that there is a great discouragement amongst many adventurers of the plantation in Virginia, by reason of the intended reforming and change of the Government; whereupon they are faithful to prosecute their adventures so as it may concern some stop of those ships that are now ready freighted and bound for that country; although their Lordships marvell that any should be so far mistaken, considering the declarations have been made at the Board *viva voce*, as also by an act of Council and otherwise, yet for the better satisfying of those who either through error or mistaking, or through the untrue suggestion of others, have conceived any such fear or discouragement, their Lordships do hereby think fit again to declare that there is no other intention than meerly and only the reforming and change of the present government, whereof his Majesty has seen so many bad effects as will be to the endangering of the whole plantation, if it continue as it is. Nevertheless, forasmuch as it concerneth the private interest of any man, his Majesty's royal care is such that no man shall receive any prejudice but shall have his estate wholly and fully conserved, and if in anything be defective better to be secured, so as they need not apprehend any such fears or other inconvenience, but contrariwise, cheerfully to proceed. It is therefore ordered by their Lordships, and thought fit to be published to the Company, that it is his Majesty's absolute command that the ships which were intended to be sent at this time to Virginia and are in some readiness to go, be sent away with all speed for the relief of those that be there and the good of that plantation, and this to be presently done without stop or delay.

Ext.: Jo. Dickenson.

Which order, being twice read, the court generally agreed and ordered that publick notice of this his Majesty's pleasure should be given accordingly to all such masters and owners of ships as were known to have any ships preparing to go to Virginia.

At a court held the 12th of November, 1623, Mr. Deputy acquainted the court with two things; first, with the good news that was sent from Virginia by the ships lately returned from

New England (where a pinnace from Virginia arrived before they came away and brought divers particular letters that do import thus much, namely, that the colony in Virginia have recovered health; that they were in hopes to have a plentiful harvest of corn and tobacco; that Oppochanchano is slain and, as some affirm, 150 of his great men, and that our English were then going out again to pursue the rest of them and to destroy their corn); which news is also confirmed by divers that came home in the said ships, and that there was hopes they should receive more particular relation thereof by the general letter to the Company that came in the packet that was now in the commissioner's hands; yet, in the meantime, having by so many undoubted ways understood the same confirmed, he said he thought it fit to impart it to the court that with him they might all praise God.

He further acquainted the court that since Monday last himself and divers members of the Company had been served with process out of the King's Bench, by virtue of a quo warranto, presented by Mr. Attorney against the Company, the tenor of which quo warranto was to know by what authority they claim to be a Company, and to have and use those liberties and priviledges which are related in the said quo warranto, and most of them taken for those which are contained in his Majesty's letters-patents unto the Company; of which quo warranto he presented two copies in court, the one in Latin and the other in English, whereupon the Company desired that in English might be read, which being done, the Company, conceiving and acknowledging this manner of proceeding to be fair and with much favour from his Majesty, desired the defendants to take especial care of the business as being the Companies' cause, although presented by particular names, their patent being called in question, which they conceave was therefore to be pleaded.

And further, as touching the charge of this suit (which was conceived would be very great), it was generally thought fit it should be born by the Company's general stock, and thereupon unanimously agreed upon and ordered, by a general erection of hands, not one dissenting, that what disbursements should be made by the defendants and others in this suit (provided it were for the Company's cause and defence, and not for matters that upon the issue shall fall upon particular persons and their actions) should be duly repaid unto them by the Company.

Also it was likewise ordered that the entertaining of council, attorneys, etc., in this business should be left to the choice and care of the defendants.

Sir John Davers and Mr. Tomlins were entreated by the court to speak to Sir Henry Martin, Judge of the Admiralty, to desire that favour of him as to respite the further proceeding in the cause between Wye and the Company (now depending before him) until the return of the said Wye into England from beyond the seas.

Mr. Deputy informed the court that his Majesty's commissioners, intending to meet on Friday next to consider of such references as came from the Lords unto them, amongst which the case of the Polander and that of the widdow Smalley were now come to their hands to be examined, had therefore warned him and such others as the Company should think fit to attend them that day, they having now the Company's books returned unto them from the Lords; the court hereupon prayed Mr. Deputy to attend them accordingly, as being best acquainted with the passages of their courts concerning them.

A letter from an unknown person being presented to the court and read, wherein was enclosed two pieces of gold of 40s. for a sermon to be preached this year (as was the last) before the Company; it being taken into consideration, it was thought fit (and so agreed) the sermon should be respited for a time in regard the present trouble of the Company.

In a preparative court on the 17th of November, 1623, one Mr. Raymond acquainted the Company that he was in Virginia in May last when Istan, the great king, sent (to Sir Francis Wyat) word that if he would send up some ten or twelve Englishmen unto him he would deliver all the rest of the captive English he had, and would also deliver his brother Opachancano (who was the author of the massacre) into the hands of the English either alive or dead; and some four days before that he, the said Raymond, came from Virginia Captain Tucker with some twelve more was gone to do this exploit.

At a quarter-court held on the 19th of November, 1623, Mr. Deputy, who had in the preparative court made a brief relation of the contents of a general letter from the Council of Virginia, which had been read by him before his Majesty's commissioners, did now signify that since that time it had pleased the commis-

sioners, upon request of the preparative court, to send him the original letter itself that it might be read at this present court (requiring it to be afterwards returned unto them again); whereupon the said letter was read, the copy whereof doth here ensue:

*Right Honourable:*

We have, by a successful stratagem, not only regained our people, but cut off some kings and divers of the greatest commanders of the enemy, among whom we are assured Opachankano is one, it being impossible for him to escape, the design being chiefly upon his person and that happily exposed to the greatest danger. By holding them in a long hope of peace we have come to knowledge of their places of residence, and their case is now so forward that it is too late for them, upon this fresh occasion, to remove, so that we doubt not to give them shortly a blow that shall near or altogether ruinate them.

The fort goeth cheerfully on, for the number of our people and the many services they are to be employed in, and we conceive it would be of especial consequence if you would be pleased to grant a commission for 2,000 acres of land of inheritance to such as shall be willing to plant about it, which the Society may well spare, there being land enough besides and better than that for 10,000 planters. We desire you we may have your peremptory answer to this point, for the failing of the like to divers of our letters hath been a great hinderance to our proceedings. The like respect must be had to all parts where cities and fortified towns are to be built, there being many places fit for that purpose in this river; and many forward planters already want room to seat on. Martin's Hundred also would be taken into your regard, which greatly importeth the plenty and security of this plantation and the destruction of the savages, in that we shall have thereby a speedy and swift passage to their principal seats and the better command both of this and the other river, which must be supplyed, and that speedily, with greater numbers that may make good this their own inhabited seat and that of Chesack; a pale being run between wins the whole forest and makes it inaccessible to the savages, an excellent place and not fit to be left unpeopled any longer; and to the end their bad returns may no longer discourage them, we think it the best course both for themselves, their officers and servants, that the Commander be

agreed with for a certain rent yearly, for every one by the poll, that shall live, undertaking also for all publick charges and advancement of staple commodities. Men seasoned and experienced in this country will be fittest to command, by this means they may have also a stock of corn to victual such people as they shall send over hereafter to the great diminution of their charges. The like course we could wish might be taken with other societies as we have formerly advised for the Companies' tenants, submitting our desires to your better judgments.

We desire to know your pleasures, since it is not mentioned at all in your instructions, having been doubted by divers, and leave not granted by any late commissioners, whether we shall make prize of such Dutch and French as we shall find to trade with the savages within our limits.

The colony, God be thanked, hath recovered health, and nothing wants more than sudden and speedy supplies of people, well furnished to give perfection to this noble action wherein we beseech the Almighty to prosper your and our endeavours. Thus we humbly take our leaves, and remain, at your command,

| | |
|---|---|
| FRANCIS WYAT, | JOHN POTT, |
| GEORGE SANDYS, | ROGER SMITH, |
| GEORGE YEARDLEY, | JO. PRENTIS. |
| CHRISTO. DAVISON, | |

June the 14th, 1623. Endorsed:

*To the Right Honourable, the Earl of Southampton, with other the Lords, and to the rest of the noble minded adventurers of the Virginia Company.*

Mr. Deputy presented to the court several draughts, which the appointed Committee, by order of the last court, had drawn up and caused to be engrossed, being these which follow:

First, a confirmation of twenty shares to the Right Hon'ble, the Earl of Southampton, which the Company, in a thankful acknowledgement of his noble deserts and merits, both from themselves and the plantation, they having no other means to express their love, have given to his Lordship, a copy whereof doth here ensue:

This indenture, made the 19th day of November, 1623, and in the years of the reign of our Sovereign Lord, King James, by

the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, etc., (vizt:) of England, France and Ireland the one and twentieth, and of Scotland the seven and fiftieth, between the Treasurer and Company of adventurers and planters of the city of London for the first colony in Virginia of the one party, and the Right Hon'ble Henry, Earl of Southampton, of the other party, witnesseth, that whereas the Right Hon'ble Henry, Earl of Southampton, hath, ever since the eight and twentieth day of June, 1623, until the present, performed the place of Treasurer of the Company with singular wisdom, prudence and care, and much noble pains and industry, and with unquestionable integrity, to the advancement of the plantation and the full satisfaction of us, the Company; now know ye that we, the said Treasurer and Company, in testimony of our due thankfulness and approbation of his noble deserts from us, the Company here and the plantation in Virginia, having no greater means to express it, do by these presents give and grant to the said Henry, Earl of Southampton, his heirs and assigns forever, twenty shares of land Old Adventure in Virginia, to be taken in such place, no other's right being prejudiced, and at such time as he or they shall think fit to be held by him and them, with all those priviledges, freedoms and immunities which belong to shares of Old Adventure, for which twelve pounds, ten shillings have been paid. In witness and confirmation whereof, the said Treasurer and Company to one part thereof have set their legal and common seal, and to the other part thereof the said Right Hon'ble Henry, Earl of Southampton, hath set his hand and seal. Given in a great and general quarter-court of the said Treasurer and Company the day and year first above written.

Which, being read and approved, was by a general erection of hands (no one dissenting) ordered to be sealed.

The second was likewise a confirmation of twenty shares unto Sir Edwin Sandys, which the Company had formerly given him as a testimony of their love and thankfulness for this extraordinary well deservings of the Company and plantation, both before and in the time of his treasurership and since, as will more at large appear by the grant itself, whereof the copy doth here ensue:

This indenture, made the nineteenth day of November, 1623, and in the years of the reign of our Sovereign Lord, James, by

the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, etc., (vizt:) of England, France and Ireland the one and twentieth, and of Scotland the seven and fiftieth, between the Treasurer and Company of adventurers and planters of the city of London for the first colony in Virginia on the one part, and Sir Edwin Sandys, of Norbourne in the county of Kent, Knight, on the other part, witnesseth, that whereas we, the said Treasurer, Council and Company, in a great and general quarter-court held the second of May, 1621, in regard of the extraordinary well deservings of the said Sir Edwin Sandys and his continual constant endeavours, both before and during the time of his Treasurership, to uphold and advance the plantation by his industry, care and providence, thought fit then in his absence especially to shew some testimony of our love and thankfulness (tho' no ways able to gratify his pains in that ample manner as he had deserved) and thereupon did bestow 20 shares of land upon him for the present till better means might accrue that might enable us to be further thankful unto him; now know ye that we, the said Treasurer, Council and Company, having ever since had further experience of his love and zeal to the business of the plantation by many faithful counsels and endeavours performed on his part to the full satisfaction of us the Company in all things, and by a most assured testimony of his fidelity and integrity, have willingly condescended to the request made in his behalf and do by these presents ratify and confirm unto him, the said Sir Edwin Sandys and his heirs forever, the said twenty shares of Old Adventure in Virginia, to be taken in such place, no other's rights being prejudiced, and at such time as he or they shall think fit, to be held by him and them with all those priviledges, freedoms and immunities as belong to shares of Old Adventure, for which twelve pounds ten shillings have been paid. In witness and confirmation whereof the said Treasurer and Company, to the one part of this indenture, have set their legal and common seal, and to the other part thereof the said Sir Edwin Sandys hath set his hand and seal. Given in a great and general quarter-court of the said Treasurer and Company the day and year first above written.

Which, being read and approved, the court unanimously agreed and ordered, by a general erection of hands (except five that dissented), that the said grant should be sealed.

The third was likewise a confirmation of 20 shares unto Mr. John Ferrar, which the Company had also formerly given him in testimony of their thankful acknowledgment and approbation for his good and faithful service performed for the Company in the time of his three years' Deputyship and since, as more fully appears by the said grant, whereof the copy doth here ensue:

This indenture, made the 19th day of November, 1623, and in the years of the reign of our Sovereign Lord, James, by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, etc., vizt: of England, France and Ireland the one and twentieth, and of Scotland the seven and fiftieth, between the Treasurer and Company of adventurers and planters of the city of London for the first colony in Virginia, with the advice and consent of the Council for the same on the one partie, and John Fel, of London, citizen and merchant, on the other party, witnesseth, that whereas we, the said Treasurer and Council and Company, did, in a great and general quarter-court held the two and twentieth day of May, anno 1622, give and bestow upon the said Mr. John Ferrar, late Deputy, twenty shares of Old Adventure in testimonial of our thankfull acknowledgment and approbation of the great and faithful service performed by him in the place of Deputy, during the time of three years which he served in that place, and further ordered that together with the gift itself it should be entered in our court-books that we conceived his merits so great as if our liberality had not by our law been bound within the compass of 20 shares we would have extended it to a far larger proportion; now, know ye, that upon the humble petition of the said John Ferrar that the said gift of 20 shares may be confirmed unto him under our common seal, we, the said Treasurer and Company, having ever since until this time had further experience of his great love and zeal to the plantation by the exceeding cost, pains and charges which he, the said John Ferrar, hath undergone for the advancement of the said plantations to the full satisfaction of us, the said Company, in all things, and full assured testimony of his fidelity by the fair, orderly and perfect accompts of all moneys received and disbursed by him, which having passed all manner of tryal, he, the said John Ferrar, hath his *quietus est* given unto him under our common seal, have willingly condescended unto his humble re-

quest, and do by these presents ratify unto the said John Ferrar, his heirs and assigns forever, twenty shares of Old Adventure in Virginia, to be taken in such place and no other's right being prejudiced and at such time as he or they shall think fit, and to be held by him and them with all those priviledges, freedoms and immunities which belong to * * * * Adventure, for which twelve pounds ten shillings hath been paid. In witness and confirmation whereof the said Treasurer and Company to the one part of this indenture have set their legal and common seal, and to the other part thereof the said John Ferrar hath set his hand and seal. Given in a great and general quarter-court of the said Treasurer and Company the day and year first above written.

Which being read, after a good pause and no man taking exception thereunto, Mr. Deputy putting it to the question, it was unanimously agreed and ordered, by a general erection of hands (one onely dissenting), that the said grant should be sealed.

After some minor matters had been disposed of, the record proceeds as follows:

The next thing taken into consideration was that weighty proposition lately made by the Lords of the Council unto the Company touching the surrendering of their charters, concerning which, and that it might be better understood what had formerly passed, these several courts of the 15th, 20th and 22d of October were read, as also that of the 12th of this present month, whereby it appeared that although the Company in their answer would have referred their resolution of the said proposition till the determination of this quarter-court, yet their said answer was not accepted by their Lordships; and since that time another course was taken to bring that business to a legal tryal, as appeared by the *quo warranto* prosecuted by Mr. Attorney against the Company; so that it was conceived that it was too late and out of season to take that proposition again into a fresh dispute, as was desired by some, but rather to consider whether this court would confirm the proceeding of the former courts touching the aforesaid proposition, and so hold to the plea of their charters, which were now questioned; whereupon, after mature deliberation, Mr. Deputy, at the desire of the court, put it to the question, and by a general erection of hands (seven only dissenting) the court unanimously agreed and ordered that the proceedings of

the aforesaid courts touching the not surrendering up of their charters should hereby be ratifyed and confirmed.

It was also propounded that for the better prosecution of so weighty a business (which would require often and serious consultation) that a large Committee might be appointed to consult and give direction as often as there should be occasion offered; which proposition the court conceiving to be very important and of great necessity, did thereupon agree and order by a general erection of hands (five only dissenting) that the Grand Committee formerly appointed should take care to direct all matters requisite and appertaining to that business; and that thereupon the Deputy should have authority to summon them at all times, or such part of them as he should think meet.

A motion was likewise made that the Lords of the Council might be humbly petitioned by the Company for restoring their books and writings, whereby they might be the better enabled to prepare their proofs and make their defence in that weighty cause now in hand; which motion the court well approved of, and thereupon ordered, by a general erection of hands, a petition should be drawn up.

Mr. Byng hearing this motion of petitioning the Lords for the Company's books, said (as he was going out of the court) that let them make as many petitions as they will they shall as soon have a halter as have them; whereof present complaint being made, and the words justified by three that overheard them, namely: by Mr. Gilbert Morewood, Mr. Wiseman and Mr. Spruson, the court were much troubled thereat, and held it fit to be complained of to the Lords of the Council.

The quarter-court of the 15th of June last was read; wherein, forsomuch as it appeared that the Company did then, in obedience to his Majesty's letter, forbear the election of their officers and continue their old till this present quarter-court, Mr. Deputy moved the court would now proceed to a new choice, which business being taken into consideration, it was at length, for many important reasons, thought fit, and ordered by a general erection of hands (two only dissenting), that all the present officers of the Company should be continued in their places until a new election in a quarter court.

Mr. Deputy made known to the court that since May last there have gone to Virginia 14 sail of ships, most of them laden

with provisions, wherein there have been transported about the number of 340 persons, as more particularly appears by the note he then presented and read, which is here inserted :

*A Note for the Shipping, Men and Provisions sent and provided for Virginia, by the Right Hon'ble the Earl of Southampton, and the Company and other Private Adventurers, since May last, 1623, and to this 19th November, 1623:*

| | Tuns. | | Persons. |
|---|---|---|---|
| 1. The William and John, | 50, | in May last, with provisions and | 06 |
| 2. The John and Francis, | 100, | —— with provisions and | 10 |
| 3. The Ann, of | 40, | in May, with provisions and | 25 |
| 4. The Bowery Bess, of | 90, | in May, with provisions and | 60 |
| 5. The Godsgift, of | 80, | in May, with provisions and | 12 |
| 6. The Truelove, of | 50, | in June, with provisions and | 25 |
| 7. The Due Return, of | 80, | in July, with provisions and | 10 |
| 8. The George, of | 180, | in July, with provisions and | 70 |
| 9. The Hopewell, of | 60, | in July, with provisions and | 15 |
| 10. The Marmaduke, of | 100, | in September, with provisions and | 30 |
| 11. The Great Hopewell, | 120, | in October, with provisions and | 15 |
| 12. The Southampton, of | 180, | in October, with provisions and | 30 |
| 13. The Return, of | 40, | in October, with provisions and | 12 |
| 14. The Jacob, of 80 tuns, now going in November with provisions and | | | 20 |
| In all 14 sail of ships, with sundry provisions and | | | 340 persons. |

Other ships that also traded to Virginia this summer and brought provisions thither:

| | Tuns. | | Tuns. |
|---|---|---|---|
| 1. The Furtherance, of | 160 | 5. The Margaret and John, of | 120 |
| 2. The Bee, of | 40 | 6. Mr. Gookin's ship, of | 80 |
| 3. The Tyger, of | 45 | 7. A pinnace of Mr. Weston's. | |
| 4. The Sparrow, of | 30 | In all, 7 ships. | |

At a court held on the 14th of January, 1623, Mr. Wrote signified of three things omitted in the last quarter-court which he then offered to the consideration of the Company when they came to the proposition touching the surrendering up of the Company's charters, namely: First, whether their said charters did not contain some things derogating from the King's prerogative; secondly, whether upon a strict examination there might not be found matter sufficient to shew wherein they had made a forfeiture; and lastly, whether, if they should stand out in suit with

the King, they were able, without his gracious favour and assistance, to subsist and make good that great action of upholding and advancing the plantations; which things were acknowledged to be spoken by Mr. Wrote, as likewise the answer to them, vizt: that the Company did not doubt but on a full and right information of their proceedings his Majesty would be pleased to let them have his gracious favour in more ample manner than ever; but the omitting of these things was by the court to be no defect in entering of the former court, being not arguments of that nature as those that did conduce to the conclusion. Yet, upon Mr. Wrote's desire, it was ordered they should be now in this court inserted.

After this the quarter-court being put to the question, was by a general erection of hands approved to be rightly set down.

Mr. Deputy acquainted the court he had received a letter subscribed by some of the Lords of the Council and directed unto himself as Deputy of the Virginia Company, which he presented in court and caused to be read; the copy whereof doth here ensue:

After our hearty commendations, we are informed that there is a ship lately arrived from Virginia, and for some causes known to us we do hereby require you to seize upon all the letters, as well public as private, that come in the said ship, and to bring or cause them to be safely brought unto us unopened with as much expedition as you can, whereof you shall not fail, and this shall be your warrant; and so we bid you heartily farewell.

Your loving friends,

JOHN LINCOLNE, C. S., RICHMOND,
RICH'D WESTON, LENOX,
CARLISLE, JOHN BROOKE.
MIDDLESEX,

From Whitehall, Dec. 30, 1623.

*To our loving friend, Nicholas Ferrar, Deputy of the Virginia Company.*

Which letter being read, he desired the Company would generally take notice of the Lords' pleasure therein, to the end that upon the first news of any ships returned from Virginia their Lordships might receive speedy advertisement, as was required.

Mr. Deputy acquainted the court that the special cause of calling this present court was upon a writing received from the Secretary of the Somer Islands Company, which he caused to be read, being as followeth :

At a court for the Somer Islands, held the 5th of January, 1623, at Sir Thomas Smith's house :

This court, taking into consideration the necessity of some present course for venting of their tobacco, without which they conceive it impossible for the plantation to subsist; and finding that it no less concerns the Virginia plantations to make provision in the same kind, have thought fit to desire the Deputy of the Virginia Company to call a court and to make known unto them that they are desirous to confer with them therein ; and for that purpose have nominated a committee, who shall be ready to give meeting to any committee whom they shall appoint seriously to advise thereof, which they desire may be some time this week, and if they shall think good at the house of Sir Thomas Smith, or any other indifferent place they shall make choice of, wherein they nothing doubt of their ready willingness, as the importance of this business (equally concerning the good of both the plantations) doth necessarily require.

EDWARD WATERHOUSE, *Secretary.*

Upon the reading whereof Mr. Withers took exceptions at the paper being entitled as an act of the Somer Islands Company, which he conceived had not met since their last, being at Founder's Hall. As for the assemblies at Sir Thomas Smith's, he did doubt, for his part, whether they were usurpations upon the Government rather than the lawful courts of the Company, in which proposition it seems he was by divers others seconded, and on the contrary some alledged that Sir Thomas Smith was confirmed Governor by the King's letter, which Mr. Withers answered he was ignorant of. But the Virginia Company desired that this question might be silenced now in their court, and left to the tryal of themselves at the Somer Islands quarter-court. But for the matter in hand, the court desired that the propositions of the Somer Islands' adventurers might be produced, which Mr. Edwards acknowledged to have in writing, but desired that the Company would first appoint a Committee before they heard the

proposition, which kind of course seemed very strange to the court and contrary to all former presedents that they should appoint a Committee without some light of the particularities, and thereupon much dispute arising on each party, it was by divers held unfit to meddle with any new proposition, but to reserve all to the Parliament now at hand, who, having at their last sitting, out of their love to Virginia, but much more out of their care for the welfare of this kingdom, set a very good course concerning the tobacco of the planters, it was hoped that upon the same ground it might be effected now fully, which was then left unperfected, besides considering the uncertain state the Company stood in it did not seem either safe or reasonable to begin a new treaty.

Yet, nevertheless, that there might be no shadow of scandal upon the Company, as if out of wilfulness they would neglect anything that might tend to the good of the plantations, although the strangeness of Mr. Edwards' demands, which he and some others resolutely made, to have a Committee named before he produced his propositions, was the more increased by the speeches of Mr. Edwards and Mr. Wrote, who affirmed that the Somer Islands Company's propositions were so uncertain, and only in imagination, as there is as much expectation to have some proposition from the Virginia Company as from themselves; and Mr. Edwards affirmed that the Committee should understand that privately, which is not fit to be publicly made known; yet nevertheless to gain knowledge of their propositions, did by erection of hands order, that without prejudicing the question whether they, from whom these propositions came, were the lawful Company of the Somer Islands, there should be a Committee appointed by this court to give them a meeting; and if they think fit, to debate the matters propounded, but not to conclude any thing, but to reserve all entire to the preparative court; whereupon Mr. Edwards produced a paper, being as followeth:

At a Somer Islands Court, 13th January, 1623:

The grounds or reasons which induce the Somer Islands Company to desire a meeting with the Virginia Company.

They conceive, and upon full debate have, by erection of hands, resolved—

First. That the plantations cannot subsist but by a better vent of their tobacco than formerly they have had.

Secondly. That not ease of custom, or any other course that we can devise, will serve to vent the said tobacco as aforesaid, but only by prohibiting all foreign tobacco, and forbidding the planting of it at home, so as there may be no other tobacco vented in England but such as shall be of the growth of Virginia and the Somer Islands.

EDWARD WATERHOUSE, *Secretary.*

Which being read, there was some exception taken at the first, that it was too absolutely set down, for they did not doubt but the Virginia Companies would shortly subsist upon far better commodities than tobacco; and for the second, they were of opinion that without the exclusion of foreign, that of the plantations could never be well vented; and the court nominated for their Committee Sir John Davers, Mr. Deputy, Mr. Wither, Mr. White, or Mr. John Smith and Mr. Caswell, who were desired to give the Somer Islands' adventurers a meeting at Grocer's Hall at such time as Sir Thomas Smith should appoint, upon a day's warning before, to the intent formerly expressed.

Mr. Woodall presented to the court an order of the Lords of the Council, dated the 8th of December last, which was now read, the copy whereof doth here ensue:

At Whitehall, the 8th of December, 1623—Present:

| | |
|---|---|
| Lord Keeper, | Earl of Kelly, |
| Lord Treasurer, | Lord Viscount Grandison, |
| Lord President, | Lord Chichester, |
| Lord Privy seal, | Mr. Treasurer, |
| Lord Steward, | Mr. Secretary Calvert, |
| Earl Marshall, | Master of the Rolls. |
| Lord Chamberlain, | |

There was this day read at the Board a petition in the name of sundry adventurers and planters of the Virginia plantation, complaining that whereas sundry of them are willing to surrender up their patent for point of government, his Majesty taking care to preserve every man's particular interest, as hath been required by his Majesty, and that divers others of the said Company refusing to conform themselves to his Majesty's pleasure, are proceeded against by Mr. Attorney-General by a writ of *quo war-*

*ranto*, that they yet have made an order in court that the charge of their defence shall be borne by the public stock, to the prejudice, as is conceived, of those others who are willing to surrender up the patent, it was this day ordered that all they who are questioned in the said *quo warranto* shall make their defence at their own particular charge without any help, or dispensing any part of the public stock in that case, and that such as are willing to surrender shall be discharged from all contribution towards the expense of the said suit, both in their persons and their goods.

Ext : WILLIAM BEECHER.

Which being read, Mr. Deputy signifyed that this order, as appeared, was grounded upon a petition presented to the Lords of the Council by Alderman Johnson and others ; at the same time himself, and some others of the Company, were commanded to attend their Lordships at Whitehall, and were present; of which petition, having obtained a copy, he prayed it might be read, the copy whereof doth here ensue:

*To the Right Hon'ble the Lords of his Majesty's most Hon'ble Privy Council.*

The humble petition of sundry the adventurers and planters of the Virginia plantation:

Sheweth that they haveing been always ready and are still willing, according to his Majesty's express will and pleasure, to render up their patent, to be at his Majesty's disposing, so far as any way concerneth themselves for point of government.

But forasmuch as Mr. Nicholas Ferrar and some others do withstand and shew themselves opposite therein, and for their better enabling to oppose his Majesty and to free themselves from the charge of suits, have lately made an order in their court that the charge of defending their cause shall be born by the public stock of the Company ; against whose contempt Mr. Attorney-General doth now proceed by writ of quo warranto in his Majesty's court of the King's Bench.

They humbly pray that it may be ordered by your Lordships that all the charge and expense occasioned by these suits may be born by themselves that are opposites and defendants in the cause, and no part thereof by the Companies' public stock, nor by any of the goods of any the adventurers and planters that

show themselves conformable; and also to order, for better assurance in this point, that all such goods and public stock as shall be hereafter imported for the general Company it may be sequestered in the custom-house, till your Lordships shall further order for the difference of the same to the plantation's use.

And they shall ever pray for your Lordships, etc.

Which being read, Mr. Deputy signified further that although the petition did earnestly labour and press that all the Company's goods that should come from Virginia might be sequestered and deposited in his Majesty's custom-house, yet their Lordships' noble favour and justice was such as not to think it equal or reasonable so to do. Whereupon it pleased their Lordships to order upon their petitions no otherwise than as they had heard by the order now presented and read, and to leave the goods of the general Company free, which the petitioners desired to have sequestered (as he conceived) purposely to deprive himself and his brother, and those others to whom the Company had made over such goods for security, of the great sums due unto them.

A motion was made, and generally thought fit to be referred to the consideration of the grand committee, to think on some cause for moving his Majesty's commissioners that they would please to certify and make some report to the Lords of the Council what they have done in the several businesses brought before them by the Virginia Company and their opposers, that it may appear to what heads and issue they have brought the same, assuring themselves that thereby the fairness and justice of the Company's proceedings would be manifest to all the world.

At a preparative court held on the 2d of February, 1623, the court of the 14th of January last was now read; wherein, forasmuch as there was observed an omission of one main matter then propounded and referred to the grand committee to move unto his Majesty's commissioners, vizt: that whereas Sir Thomas Smith stands not only charged, but, as the auditors and other committees conceived, directly proved, to be indebted upon the two first heads of exception against his accompts the sum of £800, that either Sir Thomas Smith might shew sufficienter cause than by his answer he alledged, and to which the auditors and committees had made reply, or otherwise be caused to pay in the said moneys to the Company in the extream necessity of want.

It was this day ordered, by erection of hands, that this addition should be inserted in his due place in the former court, and referred as formerly; with which addition the said court being put to the question was, by a general erection of hands, approved to be rightly set down.

Upon Mr. Berkeley's request for the use of the Company's salt pans in Virginia, according to a former order, the court hath promised it shall be recommended to the care of the Governor in Virginia to see it performed unto him.

Mr. Deputy acquainted the court that the differences between the Company and Captain Martin being now well composed, it had pleased the Council for Virginia, upon his humble request, and at the entreaty of his Majesty's commissioners at their last sitting, to write a very favourable letter in his behalf to the Governor and Council of Virginia, the draught whereof the commissioners had seen and well approved, as also Captain Martin himself, which letter being now presented to this court the same was read, the copy whereof doth here ensue:

After our very hearty commendation, we cannot imagine but the report of some differences between us and Captain Martin have come to you, the ground whereof was his patent to the reversing, whereof our care to the public good only persuaded us, and we conceive that nothing but the too much love thereof, esteeming it a great loss, transported him to some further opposition against the Company, but these things are now composed, and as we have granted him as ample a patent as we can, so we have forgotten, with a silence never to be remembered, all the passages thereof, and he now departs from us with the actual possession of our loves and a settled intention in us to offer him such further favours and benefits as we shall be able upon the settling of our affairs.

Wherefore we desire of you that he may be received with that respect and love as our earnest recommendations do require and his ancient and continued endeavours, both of person and purse, to the plantation do deserve, and in particular that the land and seat formerly possessed by him may be entirely restored unto him as part of that dividend by our new grant bestowed upon him, and that neither himself, nor any of his plantation be drawn from their works except for the necessary defence, and such other

important occasions as shall be for the public weal of the whole colony.

And whereas he hath made complaints of divers wrongs sustained both before and since his coming from Virginia, especially by Sir George Yeardley, we earnestly recommend unto you, the Governor and Council, the careful examination and speedy redressing of all such wrongs, injuries and losses as he shall duly prove; and herein we desire your more than ordinary care; and to the intent that we may remain the better satisfied herein, we desired you that by the first returns of shipping after this arrival you send us a full accompt of all your proceedings therein. And so not doubting of such good performance herein as your respect to us doth assure, we bid you heartily farewell.

Your very Loving Friends,

| | |
|---|---|
| PEMBROKE, | WILLIAM PADGETT, |
| MONTGOMERY, | JOHN DAVERS, |
| WM. CAVENDISH, | HUMPHREY MAY, |
| ROB. KILLEGREW, | JOHN WHITE, |
| NICH. FARRAR, *Deputy.* | |

Mr. Deputy further signifyed that upon Captain Martin's earnest request to have some of the Company's pieces to carry with him to Virginia, he had delivered him 12 as also 6 head-pieces, for which he had sent him since a letter of thanks, all of them proving so well to his liking as he had altered their locks and made them serviceable to march withal, and was further desirous to have some more of them.

Whereupon the court being willing to pleasure Captain Martin in any thing they could with convenience, did generally agree to give him the said 12 pieces and head-pieces, and also 8 more pieces to make them up 20.

At a quarter-court held on the 4th of February, 1623, the *quietus est* appointed by the last court to be drawn up for Mr. Deputy against this day for the seal, as also the grant for 20 shares of land which that court had given him as a testimony of their good approbation of his service, in a thankful acknowledgment of his extraordinary well deserving of the Company and plantation, were now both presented in court and read, and being approved, without any manner of exception taken unto them, it pleased the Right Honorable the Lord Padget, at the entreaty of

the court, to put them to the question, and so passed by a general erection of hands, not one dissenting, with order for sealing them, the copies whereof doth here ensue:

*The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia.*

To all to whom these presents shall come—Greeting:

Whereas, Nicholas Farrar, of London, Gentleman, now Deputy of the said Company, hath, by one book of accompts of his office of Deputyship extending from the 22d of May, 1622, to the 12th of May, 1623, and one other accompt from the 12th of May until the 18th of November last, exhibited unto the courts of the said Treasurer and Company a true and perfect accompt of all moneys received by him for the said Company during the time of his office aforesaid, in which account he hath also particularly declared how the said moneys have been disbursed and expended for the use of the said Company by lawful warrants, with the receipts endorsed or subscribed under the said warrants or in books for that purpose; which accompts, according to the orders of the Company, have been duly examined, audited and approved by the auditors and committees of the said Company, as appeareth under their hand, and afterwards the said books of accompts have layen openly on the table in the courts of the said Treasurer and Company during the times in the said Company's orders appointed, and no exception hath been taken unto them; the said Treasurer and Company therefore, according to their orders in that case established, at the instance and desire of the said Nicholas Ferrar, have, for themselves and their successors, acquitted and discharged, and do by these presents forever acquit and discharge, the said Nicholas Ferrar, his heirs, executors and administrators, of and from all and every the said moneys by him received, and of and from all further accompts to be by him rendered for the same, and of and from all actions, suits and demands, for or by reason of the moneys or accompts aforesaid. In witness whereof the said Treasurer and Company have hereunto caused their legal seal to be affixed. Given in a great and general quarter-court of the said Treasurer and Company, held the 4th day of February, 1623, and in the years of the reign of our Sovereign Lord, James, by the grace of God King of Eng-

land, Scotland, France and Ireland, Defender of the Faith, etc., vizt: of England, France and Ireland the one and twentieth, and of Scotland the seven and fiftieth.

This indenture, made this 4th day of February, 1623, and in the years of the reign of our Soverign Lord, James, by the grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, etc., vizt: of England, France and Ireland the one and twentieth, and of Scotland the seven and fiftieth, between the Treasurer and Company of adventurers and planters of the city of London for the first colony in Virginia of the one party, and Mr. Nicholas Ferrar, witnesseth, that whereas the said Nicho. Ferrar, as well in his place of Deputy as also in the many employments he hath undergone for the service of us, the said Company, in all parts of the business incident to the prospering and upholding of the plantation in Virginia, and hath prosecuted our said service with such continual faith and industry as if his education, expense of time and good part of his estate had been ordained thereunto, as by the ample testimony of his carriage and by his laborious sustentation of care and pains through the many troubles that have befallen the Company in the time of his employment, hath appeared to the general satisfaction of the Company and apparent high desert of the said Nicholas Ferrar; know ye, that we the said Treasurer having ordered to give him the greatest gift of lands that by the laws and constitutions of us, the said Company, may be allowed in such cases of our just acknowledgment and thankfulness unto him, do, by these presents, give and grant unto the said Nicho., his heirs and assigns forever 20 shares of land Old Adventure in Virginia, to be taken in such place, no other's right being prejudiced, and at such time as he and they shall think fit, to be held by him and them with all those priviledges, freedom and immunities which belong to shares of Old Adventure for which £12 10s. have been paid; and forasmuch as all the accompts of receipts and disbursements due, and by him to be given in, according to the several ways of his said employments, have been so just and perfect as no man could be supposed to have or make any just exception, we have likewise ordered he shall have his *quietus est*, acknowledging that the said Nicholas Ferrar is worthy of much more regard than at this present the estate of the said Company is well able to afford. In witness and confirmation whereof the said Treasurer and Company to

the one part of this indenture have set their legal and common seal, and to the other part thereof the said Nicholas Ferrar hath set his hand and seal. Given in a great and general quarter-court of the said Treasurer and Company the day and year first above written.

There was also presented a grant of 800 acres to Mr. Berkeley, formerly given to him and Mr. John Berkeley, his father (since deceased), in regard of their service upon the iron works in Virginia, which grant being drawn up by the appointment of the last court, was now read, approved and ordered to be sealed.

Whereas there was a Committee appointed the 14th of January last to join and confer with a Somer Islands Committee about settling some course for better venting of tobacco of both plantations, it was now thought fit and ordered that seeing the Somer Islands Company had all this while to give them a meeting, although it proceeded at first meerly from their motion and request (as by the said court appears), that the said Virginia Company for tobacco and their authority should now cease and determine.

Forasmuch as it was informed by Mr. Deputy that the Grand Committee had not as yet thought on any course for moving his Majesty's commissioners to make some report of what they had done in the several businesses brought before them by the Company of Virginia and their opposers, whereby the justness and fairness of the Company's proceedings might be manifested to all the world. The said Committee were again entreated to meet about it on Fryday next in the afternoon at Mr. Deputy's house, and they are likewise entreated to take care that the commissioners be further moved to require Sir Thomas Smith to shew a sufficient answer why he is not to pay £800 charged upon the first two heads of exception against his accompts, or otherwise be caused to pay in the said moneys to the Company, being in great want thereof.

At a court held on the 24th of April, 1624, Mr. Deputy acquainted the court he had received by the George, lately arrived from Virginia, a packet of letters enclosed in a box, which being directed to the Earl of Southampton, Treasurer, which his Lordship having perused, had returned back unto him; since which no courts had been kept in regard of this busy time of Parliament, and for that little or no occasion till now was offered of calling a court; whereupon the general letter from the Gov-

ernor and Council of Virginia unto the Company here was read, bearing date at James City, the 29th of January, 1623.

Next was read a letter from Sir Francis Wyat, the present Governor of Virginia, dated at James City, the 2d of February, 1623, briefly relating the manner of proceeding against the savages in divers places and by what commanders the service was performed; and hopeth that in the General Assembly now called in Virginia, some good order will be taken to maintain an army for securing of the whole colony.

Mr. Deputy signified of certain other papers enclosed in the box, which were read, whereof one concerning certain examinations, touching a difference between Mr. Pooley and Mrs. Jordan, referred unto the Company here for answer, being read, the court entreated Mr. Purchas to confer with some civilians about it and advise what answer was fit to be returned in such a case.

This done, Mr. Deputy signified that the chief occasion of calling this court was to acquaint them with a petition exhibited unto the King by certain planters lately come from Virginia, which his Majesty having referred to the Lord Treasurer and Mr. Chancellor of the Exchequer, it was now come, with their reference, unto the Company for answer unto as much thereof as concerned the Company, the copy of which petition doth here ensue:

*To the King's Most Excellent Majesty.*

The humble petition of John Boyle, Richard Brewster, Henry Wentworth, William Perry, William Best, and others, the poor planters in Virginia:

Most humbly sheweth, that where your Majesty, for the advancement of the plantation in Virginia and encouragement of planters and adventurers thither, was heretofore most graciously pleased to priviledge the said adventurers from paying any custom or import upon their tobacco, etc., until the said plantation, by peace, became settled and enabled to return such duties to your Majesty, as well in grateful acknowledgment of your Majesty's said favour as in regard of the many great aids and supplies they received from many collections and contributions flowing from your Majesty's like good disposition towards the good of the plantation.

But now so it is, that as well the general state of the plantation as the particular of every planter being fallen into a far worse and poorer estate than they were in former times, when your Majesty spared to demand those duties, and your petitioners partaking in the general calamity of famine and scarcity, sickness, mortality and bloody massacre which hath befallen the said colony, have particularly been pressed more near than ever, not only with the now urging and continual assaults and surprizes of the incensed enemy, whereby they are enforced by one-half of their men to guard and secure the labour of the other, but also from the many impositions and levies made and laid upon them for the support of the Company, from whence heretofore they were wont to receive relief. By which occasions they being impoverished, if they shall be compelled to pay your Majesty's imposition upon tobacco (made cheap by the great glut of that commodity from Spain and other parts), being 6d. ℔ pound, and the customs 3d. (the customers having abated 3d.), this 9d., with other incident charges, will make the cleared profit so little, that out of that (though your petitioner's sole help) it will be impossible for them to raise such supplies of provisions as must necessarily be returned thither, much less shall they be any ways enabled to send such more Company of men and servants as they do otherwise intend for and towards the advancement of the said plantation.

The petitioners therefore most humbly pray that your Majesty, out of your princely compassion to the many endurances of your petitioner, many of them having been the ruins of the late massacre, and most gracious affection to the goods of that plantation, for relief of your petitioners and encouragement of them to continue, and others to become adventurers in the same, graciously considering the premises, and that as great or greater causes return for continuing of your Majesty's former favour to them, will therefore be graciously pleased to abate for the present your Majesty's impost of 6d. ℔ pound upon the tobacco now brought in by the said petitioners, whereby they intend not to prejudice your Majesty for the future, but only relieve and able themselves for the present to return and settle in their plantations, and by your Majesty's most gracious taking your said planters into your roial mercy and protection to free them for the future from the grievous impositions of the Company,

whereby they shall be better enabled hereafter to render more cheerfully your Majesty's said duties. And your petitioners, etc.

At the court at Theobald's, 8th April, 1624:

His Majesty being very compassionate of the miseries and poverty of the planters, and willing they should have relief, is graciously pleased to refer the consideration thereof to the Right Hon'ble the Lord Treasurer and Mr. Chancellor of the Exchequer, that some good order being established amongst them they be not so opprest by the Company as is alledged, and that they have such relief concerning the impost as they in their wisdom (weighing the petitioner's necessitys) shall find most convenient.

POWELL.

Whitehall, the 14 of April, 1624:

The masters of this petition do partly concern the King's Majesty and partly the Virginia Company, therefore let this petition be delivered to the Governor, that he and the Company may consider thereof, and return their answer in writing for so much thereof as concerns them, and we shall thereupon consider hereof further according to his Majesty's commandment and good pleasure within signified.

MIDDLESEX,
RICH'D WESTON.

Mr. Deputy acquainted the court that upon the first delivery of this petition to him on Fryday sennight by some of the planters, he desired them that they would set down in writing those grievances and oppressions which they mentioned in general, that so they might have a ready and full answer; whereupon they promised to do it, but the next morning they went to him and told him they had thought upon the matter and would not deliver the particulars of their grievances and oppressions but before the Lord Treasurer, to which Mr. Deputy made answer that he would acquaint my Lord and the Council therewith, and if it caused any delay in their business it was their own faults, yet afterwards they brought him a certain writing (articlewise) containing divers matters, but without any hand unto it, although they say in the end we who have underwrit it will maintain it on our oaths; whereupon he desired them to set

their hands to the said writing, that it was their complaint, which they promised to do, but afterwards they sent him word they would not set their hands unto it. Whereupon the Company, not conceiving it fit that a writing of that nature should be openly read without a certain author to avow it, desired Mr. Deputy and some other of the Council to peruse it and deliver their opinions whether it were fit to be read; which being done, the Council's opinion was that it ought not to be read, for that it contained criminal charges of a very high nature, and some of them capital, against the Governor and Council in Virginia, so as some very worthy lawyers affirmed that those who had presented it, except they would maintain it, had incurred the penalty of libellers. The Council further delivered that of all the articles (being nine), there was only one that gave any charge to the Company here at home, all the rest being directed solely against the Governor and Council in Virginia, whereas their petition to his Majesty was penned against the Company's grievous oppressions; whereof, being desirous to deliver the particulars, they had onely instanced one, by which manner of proceeding the court conceived this to be a malicious practice of some of their enemies to defame and disgrace them with his royal Majesty, and although some would have gone about to excuse it through simplicity of the planters that did not so exactly distinguish the government here and there, but perhaps thought that because the Company hath the command and authority of the Governor there, that therefore the default by them in Virginia might be imputed to the Company here. This excuse gave no manner of satisfaction at all, for it was answered that the Company here was not any way guilty of their misgovernment, except upon knowledge thereof they had neglected or denied to reform it, but these things were never complained of.

But because it was reported that there was one of these articles that touched the Company, it was desired it might be read, being the eighth in number, as followeth: 8. Eightly. Whereas, upon complaint made unto his Majesty of the miserable estate and condition of the planters in Virginia for want of corn the last year, it then pleased his Majesty, in commiseration of their distressed estate, to cause the Company of Virginia to send over provision of meal for their relief, the said Company to receive of them in Virginia for the said meal the money they laid out for

the same, together with the charge of transportation, without any further gain; notwithstanding the said order, when the said provisions came to Virginia in a ship called the Hopewell, the cape merchant, Mr. Harte, appointed thereunto by the said Company, sold the said meal unto the said freemen in Virginia at excessive rates, as 70 or 80 pounds weight of tobacco a hogshead.

Mr. Casewell hereupon (being appointed heretofore by the adventurers to buy the said meal) declared that at the time the said meal was bought it cost also 9s. ℔ bushel, which with custom, petty charges and freight make it 13s. ℔ bushel; so that a hogshead containing 9 bushels came to £5, 17s., which being sold for 80 weight of tobacco, valued now here in London by the customers themselves at 18d. ℔ pound one with another, as by the customer's certificate unto the Lord Treasurer appears, after the deduction of the charge of custom, impost freight, with the allowance of shrinkage, there will scarce remain 6d. clear upon each pound unto the owner; but though it should be sold to clear 1s., which was more than any man could hope, the 80 pounds weight would come but to £4, whereas it cost £5, 17s., so that a third of the principal would be lost, besides the time and adventure; but Mr. Casewell himself and divers others principal adventurers in that magazine did openly make offer to sell their whole adventures for half the principal if any man would buy it.

The unjustness and absurdity of the complaint of the planters did much grieve the Company, that where they deserved thanks for their charity they should be complained of for oppression, and the falsity of it did make them suspect that those against the Governor and Council in Virginia were of no greater truth, for what could they fear to say of them, being absent and not able to answer for themselves, when they durst complain of the Company to the Lord Treasurer of a thing so evidently false; besides, those planters present in court, with all others, giving ample testimony of the worthy proceedings of Sir Francis Wyat, whom in their consciences they profess to esteem a most just and sincere gentleman and free from all manner of corruption or private ends, it was directly contradictory that he should be guilty of such oppressions or misdemeanours; whereupon the court demanding again of some of the planters who had brought these grievances, being then in court, whether they would avow and maintain them, and it being denied by them and, namely, by one

Perry, who also further confest that although the last clause was in these words (vizt):

"Lastly, the grievances above mentioned and other abuses offered to particular planters by the Governor and Council in Virginia hath caused the parties whose names are subscribed to these grievances (and an infinite numbers of others) be resolved to quit Virginia and betake themselves to a more private life, which will be a means to overthrow the plantation there and abate the benefit of his Majesty's customs here, all which grievances we, or some of us, can justify upon our oaths, and have likewise been desired by our friends in Virginia to prefer these grievances to his royal Majesty."

Yet they had no commission nor authority from the planters in Virginia to complain, but the petition and grievances were framed here at home. In these regards the Company thought to pass it over in favour of the planters, who they perceived had been abused and drawn to this course by some others.

But for the petition itself to his Majesty, the court thought fit that some answer should be returned to the Lord Treasurer and Mr. Chancellor; whereupon, entering into an examination of the parts thereof, they enquired of the said Perry and others what impositions they had ever paid for the support of the Company, whereof they were not able to alledge one. Next the said Perry and others being demanded touching the clause of their said petition in these words: "Have particularly been more nearly pressed than ever, not only with the now urging and continual assaults of the incensed enemy, whereby they are enforced by one-half of their men to guard and secure the other * * * * but also by the many impositions and levys made and laid upon them towards the support of the Company, from whence heretofore they were wont to receive relief."

Mr. John Ferrar informed the court that Richard Brewster, one of the petitioners, had told him that the last year, with no more than three men and himself, he had made 2,800 weight of tobacco besides 100 bushels of corn. But Mr. William Capps openly delivered, on the faith of an honest man, that with three boys only, which he said were not a man and a half, he had made three thousand weight of tobacco and had sold 50 barrels of corn, heaped measure, to Captain Whitakers and kept besides

that 60 barrels for his own store, and all this he had performed by the labour of the three boys only, himself having never done (as he termed it) one stroke of work. Upon which reports and divers others the like, the court conceived that insinuation of so much danger and disquiet was extended far beyond truth.

Next they took into their consideration another clause in the said petition, in these words :

"But now so it is, that as well the general state of the plantation as the particular of every planter being fallen into a far worse and poorer estate than they were in former times, when your Majesty spared to demand those duties."

Which the court conceived to be one of the most untrue and injurious suggestions in all points that could be devised ; the colony, notwithstanding all these calamities of late, in number of people, multitude of houses and plantations, abundance of cattle and provisions, ten times exceeding the general estate of those former times which they spoke of, and about five times better than it was left by Sir Thomas Smith and Sir Samuel Argoll, and for the estate of particular planters it was by many particulars instanced that divers private planters had this year brought home for themselves more goods and a greater value than the whole colony and plantation did then return. Mr. Deputy moved that forasmuch as Sir Francis Wyat's commission for being Governor of Virginia would shortly expire, and that he was willing, as appeared by his own letter, to resign that place to some more able man, the Company would therefore please to bethink themselves against the next quarter-court, either of continuing the present Governor or of choosing a new to succeed in his place ; touching which, the court conceived they had time enough to resolve between this and the quarter-court.

This present court, by a general erection of hands, is ordered to continue after 6 of the clock during pleasure.

Mr. Deputy acquainted the court that the Council of Virginia, upon the Company's earnest and importunate solicitations, had drawn up a petition to be presented to the Parliament, which being read, was as followeth :

*To the Hon'ble House of Commons assembled in Parliament :*

The humble petition of the Treasurer, Council and Company of Virginia, shewing, that after divers discoveries had confirmed

an opinion, that the country (now Virginia) was situated in a temperate, wholesome climate, and that the soil was exceeding fertile, the parts watered with fruitful and navigable rivers, whereby our men and shipping thro' a fair sea might have a comfortable falling on a safe coast, it pleased God to affect the minds of many worthily disposed noblemen and gentlemen and others to understand it a matter of great religion and honour to endeavour the propagating of Christianity among these barbarous people, and gain such a hopeful addition of dominion to his Majesty most deserving the highest honour of such an enterprize, who being informed thereof, and apprehending the great honour and commodity might arise to this state by perfecting a Christian plantation in those parts, it pleased his Majesty by his most gracious letters-patents of incorporation (from time to time renewed and enlarged) to confer as ample priviledges and immunities both for their assistance who should become Directors or Governors in the business, and for their comfort who should be willing to settle and inhabit in Virginia, as could then be foreseen or desired, which gave so general an encouragement that noblemen, Knights, gentlemen, citizens and others in great numbers, originally named in the several letters-patents, became adventurers, who, besides their moneys, gave manyfold helps with industry to advance the perfection of this glorious work; and notwithstanding a multitude of accidents and disasters incident to a new plantation in a remote and savage country, it pleased God to refresh their hopes by such an undoubted probability of attaining (at least for the publick of their country and posterity) a most beneficial retribution for all their expense and pains as in the end might crown their endeavours with as much glory, honour and profit to this kingdom as could be wished or expected, having in their contemplation the grounds following:

1. The conversion of savages to Christianity, and establishing the first plantation of the reformed religion.

2. The removing of the surcharge of necessitous people, the matter or fewel of dangerous insurrections, and thereby leaving the greater plenty to sustain the remaining within this land.

3. The largeness of territory, known great, may prove much greater; the fertility of the soil and temperature of the clyme cherishing our people, and producing by nature and industry whatsoever useful commodities are found in any known country.

4. The beneficial fishing discovered, which, together with the continual intercourse between people of one and the same nation, is an exceeding increase of navigation.

5. The multitudes and quantities of materials for the building and setting forth of shipping being then in perfection, specially excellent timber, whereof great security is found throughout Christendom.

6. The assurance of many rich trades, that by a plantation settled in those parts might be found out and driven to the incredible benefit of this kingdom, besides no small hopes of an easy and short passage to the South sea, either by land or sea.

7. An inestimable advantage that would be gained to this State of England in time of war, both for the easy assaulting of the Spaniard's West Indies from those parts, and for the relieving of all ships and men-of-war that should go on reprisals; there being none of those dangers or discommodities whatsoever that in former times overthrow so many voyages, but will be, by the plantations of Virginia and Somer Islands, supplyed and prevented, so that our benefit and the enemies' harm and loss will be certain.

But so it is, that now when the natural difficulties incident to all new plantations are by tract of time and good diligence and especially by the blessing of Almighty God overcome, yet on the other side the unnatural and faulty impediments arising by faction and discord, cunning courses and practices of some tending wholly to private profit, misemployment of the stock, false accompts and the like diversions from the fair hopes of in the action are so increased and upheld by strong hand as doth threaten ruin and destruction to this excellent work of God and his Majesty if remedies be not timely apply'd. We, therefore, the Council and Company, not a little differing from other Companies both in our composition, consisting of principal nobleman, gentlemen, citizens, merchants and others, and in the ends for which it is established, being not only simply matter of trade but of a higher nature, yet finding nevertheless ourselves in our body, as it is now distempered, unable to be our own physicians without higher assistance, do think ourselves tyed in conscience, duty and reputation, and for the deliverance of our own souls and for the discharge of the trust reposed in us, to represent to this present Parliament this child of the kingdom exposed as in the wilder-

ness to extream danger, and as it were fainting and labouring for life.

Humbly entreating this Hon'ble House to take into your commiseration this distressed colony and oppressed Company, and to be pleased to receive from such of his Majesty's Council for Virginia (being members of your Hon'ble House) as have been appointed by us, the Company, a full relation of those oppressions and grievances which, though in sundry kinds, have (as they doubt not to make evident) had either their original or strength from the now Lord Treasurer out of his private and most unjust ends, not only to almost the utter overthrow of this work, but also to the deceit of his Majesty in his profit and to the great prejudice of the whole kingdom in matter of trade and dangerous consequences to the liberty of their persons, and thereupon, according to your most grave wisdoms, to devise some remedy for removing the impediments, repressing of the abuses, encouraging adventurers, and finally for the establishment of the colony.

Which, being twice read, after some pause, the Company were desired to speak freely to it, and declare their opinions whether they did approve thereof as it was or would have it amended in any part, or anything added thereunto. Whereupon, altho' some took exceptions to some particulars therein, yet after exact debate and consideration, it was agreed and concluded, by a general erection of hands (onely one dissenting), that the petition should stand as it was drawn; and the court entreated Mr. Deputy and those other of the Council that are also members of the Hon'ble House of Parliament would please, in the Company's name, to present the said petition to the House of Commons and prosecute the matters therein contained with all expedition.

In a preparative court on the 26th of April, 1624, Mr. Deputy signified that being desired by the former court to present their petition to the Lower House of Parliament, he had this morning (for before he could not) preferred it. Whereat there was at first some opposition made, but the House was pleased, notwithstanding, to entertain it very acceptably, and have appointed a select committee to hear it, who are to meet in the Star Chamber upon the next Wednesday in the afternoon, where all of the Company that are members of Parliament are admitted freely to come and hear but not to have voice.

And now forsomuch as this meeting fell out upon the quarter-court day in the afternoon, where the Lord Cavendish himself and divers others of the Company were there to give their attendance upon the said committee, and for that also the Earl of Southampton, their Treasurer, was out of town, they were of necessity to alter and transfer the usual time of keeping their court that day from the afternoon to the forenoon; whereupon the letters-patents being perused, it plainly ap * * it was free for them so to do, and although by their own law they had appointed their courts to begin at two in the afternoon, yet upon so great and unavoidable necessity as now fell out it was conceived the Company had power to dispense with that law.

And it was further offered unto the consideration of the court that whereas the Earl of Southampton had been Treasurer now almost 4 years, it was against the law of the Company to choose him again, and yet the necessity and occasion of the Company were such as no other fit choice to be made. Whereupon the court thought fit to be humble suitors to his Lordship that out of that extraordinary noble zeal which he had with so much trouble and pains demonstrated, he would be pleased once again to accept of the place of Treasurer; and for removing the obstacle that was by the Company's law, it was thought fit to suspend the force of that law for this time. Whereupon the Company being acquainted that for the abrogating or suspension of a law it was to be done by the same steps and degrees as it was made, did first appoint a committee to advise about the suspension of those laws for the present, for which purpose these were nominated, (vizt.):

| | |
|---|---|
| Mr. John Ferrar, | Mr. Barber, |
| Mr. Wheatley, | Mr. Cuffe, |
| Mr. Ryder, | Mr. Palavicnie, |
| Mr. Casewell, | Mr. Cranmer, |

Mr. Copeland,

who, withdrawing themselves out of the court, and having deliberated thereon, came and declared their opinions to those of the Council that were present who, concurring with them, and, afterward the court likewise, it was generally conceived very necessary and expedient (*rebus sic stantibus*) that those laws for beginning court at 2 of the clock in the afternoon, and for lim-

itting the Treasurer but for 3 years, at once should be suspended for the present.

There was brought to the court an Indian boy by Mr. William Perry, lately come over from Virginia, for whom a motion was made for some contribution towards his maintenance, whereby to bring him up in Christianity and some good course to live by; whereupon it was thought fit a roll be drawn up for men to underwrite what they please freely to contribute that way.

At a quarter-court held on the 28th of April, 1624, Mr. Deputy made known to the Company what reasons moved the last court, upon consultation first had by a committee then appointed, and after with the Council then also present, to order and appoint the keeping of the quarter-court this day in the forenoon; which course and alteration was well approved of by this present court.

And in regard the court was now, according to the direction of the letters-patents, to proceed to election of new officers, Mr. Deputy briefly related the reasons that had formerly moved them to continue their old officers ever since the quarter-court in May, 1622; and for their better satisfaction read unto them the several passages in the several quarter-courts since touching that matter.

And further signified that whereas the Company had made a law for limiting the Treasurer and Deputy to continue in their places but for 3 years at once, the said law had also been taken into consideration by the former committee, council and court, who conceiving no detriment could ensue to the Company by dispensing with that law for the present, but rather a singular benefit and advantage unto them as things now stood, did therefore think fit to suspend the law also for the present, by leaving it free for the Company to make choice of any former officers although their times were determined.

Whereupon, it being taken into consideration by this present court, after all reasons heard and debated, it was at length agreed and ordered by a general erection of hands that the law concerning the limiting of the office of Treasurer and Deputy to the term of 3 years should be suspended, and accordingly, resolving to go to election, the Earl of Southampton was generally and unanimously nominated, and being put in election with the Right Hon'ble, the Lord Cavendish, the place fell to the Earl of Southampton by having 69 balls, the Lord Cavendish 5, and

the negative box 2; whereupon the court besought the Lord Cavendish and the rest of the Council present to acquaint his Lordship with this choice, and how instantly and humbly the court besought him to accept thereof.

For Deputy, Mr. Alderman Johnson and Mr. Nich. Ferrar being proposed and balloted, the place fell to Mr. Ferrar by having 64 balls, Mr. Alderman 10, and the negative box 1; whereupon Mr. Ferrar, being brought to his place, took his oath.

Proceeding next to the choice of the auditors, the court, by a general erection of hands, continued of the old, Sir Edwin Sandys and Sir John Davers in respect of their sufficiency and long experience in matters of accompts, with promise also (upon their requests) that they should be no other ways tied thereunto than as their occasions would permit. The court likewise continued Mr. John Ferrar and Mr. Keightley, and in regard Mr. Gibbs and Mr. John Wroth had long discontinued from coming to courts, there were chosen in their stead Mr. Bland and Mr. Scot.

Proceeding next to the choice of committees, these five of the old were dismissed, namely:

Mr. Berblock, Mr. Darnelly,
Mr. Wheatley, Mr. Mellinge,
Mr. Bland.

And in their stead these five new were chosen (vizt):

1. Mr. Roberts, 3. Mr. Ryder,
2. Mr. Morris, 4. Mr. Felgate,
5. Mr. Kirby.

Unto whom were added:

6. Mr. Bull, 11. Mr. Boothly,
7. Mr. Casewell, 12. Mr. Bennett,
8. Mr. Geo. Smith, 13. Mr. Biddolph,
9. Mr. Wiseman, 14. Mr. Seaward,
10. Mr. Menerell, 15. Mr. Barbor,
16. Mr. Covell.

For Secretary, Edward Collingwood; for Husband, Mr. William Webb; for Beadle, Thomas Newton, were chosen by a general erection of hands.

The last court being made acquainted by Mr. Deputy with that notice that Sir Francis Wyat had given by his letter of the

time of the determination of his commission of Governorship of Virginia, and of his willing desire to leave that weighty burden to some other more able person, if the Company so pleased.

And being further informed also by the planters then present in court how much he was commended for his justice and equi * * towards all men, who generally professed his noble carriage was such as he well deserved to be continued in the place of Governor, and to have just recompense for those great losses he had sustained thro' want of his due number of tenants and otherwise since his going over. The Company being thus confirmed in their good opinion of him, and withal considering they had no stock at all left to furnish out a new Governor, conceived they were of necessity enforced to continue him still, and therefore thought fit to propound him at this quarter-court to stand in election for the said place.

Whereupon Sir Francis Wyat being proposed by the court, and some earnestly moving that Sir Samuel Argoll (in regard of his worth and desire thereunto) might stand in election, they were both balloted, and the place fell to Sir Francis Wyat by having 69 balls, Sir Samuel Argoll 8, and the negative box 2.

And it was likewise further ordered that a letter should be writ unto him to pray his acceptance of the said place for three years longer, and further to assure him that the Company wou'd be very careful to give him a due supply of tenants in discharge of their promise and covenants with him at his first going over.

The court was moved that whereas in the general narration that was to be made this afternoon before the Committee of the Lower House of Parliament there would fall out divers passages touching Sir Nathaniel Rich, who being a member of that House it was not fit to charge him without leave first obtained, therefore that the Company would be pleased to petition the House that he might be ordered to be present at the said Committee and hear such charges as should be given him, which course being well liked of by the court, and a petition to that effect presented, it was twice read and maturely considered of, and being approved, was by a general erection of hands (two only dissenting) ordered to be presented to the House in the name of the Company, and if it should come there too late, then to present it to the Committee in the afternoon.

Request being made by some that Sir Nathaniel Rich might

have a copy of the said petition, it was by a general erection of hands (save two) denied, it being the custom of no court whatsoever. The court taking into consideration that the matters to be delivered to the Parliament did fall under four several heads, vizt: the matter of tobacco and all the grievances therein; the business of the contract; the proceedings of the commissioners, and the passages since, and conceiving that neither council at law could be so fully informed as were requisite, and perhaps would not be so well heard, did therefore think fit to beseech the Lord Cavendish, Sir Edwin Sandys and Sir John Davers to take upon them the delivery of the three last parts (vizt:) the Lord Cavendish the business of the commission, Sir Edwin Sandys that of the contract, and Sir John Davers the last; and for the matter of tobacco they imposed it upon Mr. Deputy. His Lordship very nobly promised to vouchsafe his performance of their desires.

The court being moved that some course might be taken for the education and bringing up of the Indian boy that was lately brought over from Virginia by one William Perry, did thereupon entreat Mr. Copeland, a minister, to take him into his care and charge, and did promise he should have allowance for his entertainment.

In the preparative court on the 7th of June, 1624, Mr. Deputy acquainted the court that although the general business of the Company preferred in their petition had not proceeded in Parliament, yet the particular of tobacco by the exceeding great care and wisdom of Sir Edwin Sandys, assisted by the Lord Cavendish and other very worthy members of the Company, had a very happy issue. The importation of foreign tobacco, wherein Spanish was included, being presented to his Majesty as one of the nine grievances of the realm in the matter of trade, wherein the House humbly besought relief, and that for the good of England, without any mention or relation of Virginia in their petition, although he said he doubted not but in their hearts the whole House had a very special regard to the advancement of the plantations; and as this course was as effectual as if it had been done by bill to obtain the excluding of Spanish tobacco, so it was much better than if it had been done by the bill which was drawn the last Parliament, since which time the state and price of tobacco was so much altered as it could now no way bear that charge of 12d.

℔ pound which that bill laid on it, but thereby the commodity would have been as certainly ruined and overthrown as any other way. In which regard Mr. Deputy professed that neither himself nor divers others could, with any good courage, set forward that course of the bill; but this second way, bringing with it all the good of the bill and leaving out the evil thereof, he thought it could not be too much commended, nor Sir Edwin Sandys (to whom the Company was beholding therefore) sufficiently thanked.

The court rested much satisfied in this matter, and full of good hope that it would come to a good end.; but being informed that these several parties who, in other kinds, were to receive benefit from the redress of the other heads of grievances, had seconded the house with their particular petitions to his Majesty, the court thought it very necessary and fit that the Company should do the like, and so much the rather in regard that the House of Commons having only petitioned for the general good of trade, without reference to Virginia, the addition of so weighty and main a consideration as the upholding and advancement of the plantations would, in all probability, much set forward the execution and performance thereof. Whereupon it was ordered that a petition should be drawn to be presented to his Majesty from the quarter-court, pursuing the effect of that which the House of Commons had delivered, with the addition of what particularly concerned the plantation. And further it was ordered that their Lordships' promise upon dissolution of the contract (that the plantations only should have the importation of the tobacco) should be mentioned, which their Lordships, by their order bearing date the 28th of April, 1623, did command should be signified to the colony as having been most graciously granted by his Majesty upon their Lordships' motion. For the drawing up of this petition the court appointed Mr. Deputy, Mr. Casewell, Mr. George Smith, and further entreated Sir Edwin Sandys to give them his help.

Mr. Deputy acquainted the Company he received late notice of three ships lately arrived from Virginia, which had made a very speedy passage and had brought good news from thence, vizt: that the people were all in health and the colony well stored with corn and other provisions.

He likewise made known how much Sir Francis Wyat was

commended for his good service and noble carriage of himself in his government, and moved that, seeing the Company had chosen him again for Governor for three years longer, they would also consider how to supply him for the time to come with his just number of tenants, and to recompense him for the loss he hath sustained thereby.

Which being taken into consideration, it was held both just and reasonable that the Company should make good their contract with him, and thereupon, by a general erection of hands, agreed and ordered that signification should be given unto him of his re-election ; and in respect the Company wanted means to send over more men unto him, he should be supply'd with his full number out of the Company's tenants there, and for to recompense his former losses, it was referred to the consideration of the quarter-court.

Upon the like motion and request in the behalf of Mr. George Sandys, Treasurer, it was agreed and ordered, by a general erection of hands (onely one dissenting), that those men which the Company have promised to send him, but wanted means to make it good, should be now likewise supplyed out of the Company's tenants.

Mr. Bull, Treasurer for the Old Magazine, moved that whereas Mr. Alderman Johnson hath 400 and odd pounds remaining in his hands, long since due to the Magazine adventurers, whose accompt, in respect of some differences, was referred to Mr. Alderman Hammersley and Mr. Wither to examine and arbitrate, that for so much as Mr. Wither was gone beyond sea they would now therefore appoint some other in his stead, and the rather for that Mr. Alderman Johnson is tyed to give an accompt before August next; this was referred to the quarter-court to consider of.

These are the last proceedings of the Company recorded in the second volume of its records.

The volume contains, in addition, only the names of the adventurers for Virginia as they were in the year 1620.

Sir William Aliffe,
Sir Roger Aston,
Sir Anthony Ashley,
Sir John Akland,
Sir Anthony Aucher,
Sir Robert Askwith,
Doctor Francis Anthony,
Charles Anthony,
Edward Allen,
John Allen,

Edmund Allen, Esqr.,
Richard Ashcroft,
Nicholas Andrews,
John Andrews, the elder,
John Andrews, the younger,
James Ascough,
Giles Allington,
Morriss Abbott,
Thomas Allen,
Ambrose Asten,
James Askew,
Wm. Atkinson, Esqr.,
Anthony Abdey,
John Arundel, Esquire,

Edward, Earl of Bedford,
James, Lord Bishop of Bath and Wells,
Sir Francis Barrington,
Sir Morice Barkley,
Sir John Bennett,
Sir Thomas Beamont,
Sir Amias Bamfield,
Sir John Bourchier,
Sir Edmund Bowyer,
Sir Thomas Bluder,
Sir George Bolles,
Sir John Bingley,
Sir Thomas Button,
Sir Henry Beddingfield,
Company of Barbers, Surgeons,
Company of Bakers,
Richard Banister,
John Bancks,
Miles Bancks,
Thomas Barber,
William Bonham,
James Bryerley,
William Barners,
Anthony Barners, Esqr.,

William Brewster,
Richard Brooke,
Hugh Brookes, Esqr.,
Ambrose Brewsey,
John Brooke,
Matthew Bromridge,
Christopher Brooke, Esqr..
Martin Bond,
Gabriel Beadle,
John Beadle,
David Borne,
Edward Barnes,
John Badger,
Edmund Brandvill,
Robert Bowyer, Esqr.,
Robert Bateman,
Thomas Britton,
Nicholas Benson,
Edward Bishop,
Peter Burgoney,
Thomas Burgoney,
Robert Burgoney,
Christopher Barron,
Peter Benson,
John Baker,
John Bustridge,
Francis Burley,
William Brown,
Robert Barker,
Samuel Burham,
Edward Barkley,
William Bennett,
Capt. Edw'd Brewster,
Thomas Brockett,
John Bullock,
George Bache,
Thomas Baily,
William Barkley,
George Butler,
Timothy Bathurst,

George Burton,
Thomas Brett,
Captain John Brough,
Thomas Baker,
John Blunt,
Thomas Bayly,
Richard Blunt,
Edward Blunt,
Mineon Burrell,
Richard Blackmore,
William Beck,
Benjamin Brand,
John Busbridge,
William Burrel,
William Barrett,
Francis Baldwin,
Edward Barber,
Humphrey Basse,
Robert Bell,
Matthew Bromrick,
John Beaumont,
George Barkley,
Peter Bartle,
Thomas Bretton,
John Blount,
Arthur Bromfield, Esqr.,
William Berblock,
Charles Beck,

George, Lord Archbishop of Canterbury,
William, Lord Cranborn, now Earl of Salisbury,
William, Lord Compton, now Earl of Northampton,
William, Lord Cavendish, now Earl of Devonshire,
Richard, Earl of Clanricard,
Sir William Cavendish, now Lord Cavendish,

Gray, Lord Chandos,
Sir Henry Carey,
Sir George Calvert,
Sir Lionel Cranfield,
Sir Edward Cecil,
Sir Robert Cotton,
Sir Oliver Cromwell,
Sir Anthony Cope,
Sir Walter Cope,
Sir Edward Carr,
Sir Thomas Conisbie.
Sir George Cary,
Sir Edward Conway,
Sir Walter Chute,
Sir Edward Culpeper,
Sir Henry Cary, Captain,
Sir William Craven,
Sir Walter Covert,
Sir George Coppin,
Sir George Chute,
Sir Thomas Coventry,
Sir John Cutts,
Lady Cary,
Company of Clothworkers,
City of Chichester,
Robert Chamberlain,
Richard Chamberlain,
Francis Covill,
William Coyse, Esq'r,
Abraham Chamberlain,
Thomas Carpenter,
Anthony Crew,
Richard Cox,
William Cosley,
James Chatfield,
Richard Casewell,
John Cornallis,
Randall Carter,
Executors of Randall Carter,
William Canning.

Edward Carve, Esqr.,
Thomas Cannon, Esqr.,
Richard Champion,
Rawley Crashaw,
Henry Collins,
Henry Cromwell,
John Cooper,
Richard Cooper,
John Casson,
Thomas Colthurst,
Allen Cotton,
Edward Cage,
Abraham Carthwright,
Robert Coppin,
Thomas Conock,
John Chapham,
Thomas Church,
William Carpenter,
Lawrence Campe,
James Campbell,
Christopher Clethroe,
Matthew Cooper,
George Chambers,
Capt. John Cooke,
Capt. Thomas Conway, Esqr.,
Edward Culpeper, Esqr.,
Mr. William Crashaw,
Abraham Colmer,
John Culpeper,
Edmund Colbey,
Richard Cooper,
Robert Creswell,
John Cage, Esqr.,
Matthew Cave,
William Crone,
Abraham Carpenter,
John Crone,
Thomas Cordell,
Richard Connock, Esqr.,
William Compton,
William Chester,
Thomas Covell,
Richard Carmardon, Esqr.,
William Canning,
Paul Canning,
Henry Cromwell, Esqr.,
Simon Codrington,
Clement Chickley,
James Cullemore,
William Cantrell,

Richard, Earl of Dorset,
Edward, Lord Denny,
Sir John Digby, now Lord Digbie,
Sir John Doderidge,
Sir Drew Drewry, the elder,
Sir Thomas Dennis,
Sir Robert Drewry,
Sir John Davers,
Sir Dudley Diggs,
Sir Marmaduke Dorrell,
Sir Thomas Dale,
Sir Thomas Denton,
Company of Drapers,
Thomas Bond, Esquire,
David Bent, Esquire,
Company of Dyers,
Town of Dover,
Mr. Richard Dean, Alderman,
Henry Dawkes,
Edward Ditchfield,
William Dunn,
John Davis,
Matthew Dequester,
Philip Durdent,
Abraham Dawes,
John Dike,
Thomas Draper,
Lancelot Davis,

Rowley Dawsey,
William Dolson, Esquire,
Anthony Dyot, Esqr.,
Avery Danfield,
Roger Dye,
John Downes,
John Drake,
John Delbridge,
Benjamin Decros,
Thomas Dyke,
Jeffrey Duppa,
Daniel Darnelly,
Sarah Draper,
Clement Dawkney,
Henry Dawkney,

Thomas, Earl of Exeter,
Sir Thomas Everfield,
Sir Francis Egiock,
Sir Robert Edolph,
John Eldred, Esquire,
John Elkin,
Hugh Evans,
William Evans,
Richard Evans,
Ralph Ewens, Esqr.,
Robert Evelin,
Nicholas Exton,
John Exton,
George Etheridge,

Sir Moyle Finch,
Sir Henry Fenshawe,
Sir Thomas Freake,
Sir Peter Fretchville,
Sir William Fleetwood,
Sir Henry Fane,
Company of Fishmongers,
John Fletcher,
John Farmer,

Martin Freeman, Esqr.,
Ralph Freeman,
William Freeman,
Michael Fetiplace,
William Fetiplace,
Thomas Forrest,
Edward Fleetwood, Esqr.,
William Felgate,
William Field,
Nicholas Ferrar,
John Ferrar,
Giles Francis,
Edward Fawcet,
Richard Fanington,
John Franklin,
Richard Frith,
John Ferne,
George Farmer,
Thomas Francis,
John Fenner,
Nicholas Fuller, Esqr.,
Thomas Foxall,
William Fleet,
Peter Frank, Esqr.,
Richard Fishborn,
William Faldoe,
John Fletcher & Company,
William Ferrar.

Lady Elizabeth Grey,
Sir John Grey,
Sir William Goldoffine,
Sir Thomas Gates,
Sir William Gee,
Sir Richard Grobham,
Sir William Garaway,
Sir Francis Goodwin,
Sir George Goring,
Sir Thomas Grantham,
Company of Grocers,

Company of Goldsmiths,
Company of Girdlers,
John Geering,
John Gardiner,
Richard Gardiner,
John Gilbert,
Thomas Grave,
John Gray,
Nicholas Griece,
Thomas Goddard,
Richard Gipps,
Peter Gates,
Laurence Green,
Thomas Gibbs, Esqr.,
William Greenwell,
Robert Garsett,
Robert Gore,
Thomas Gouge,
Francis Glanville, Esqr.,

Henry, Earl of Huntington,
Lord Theophilus Haward, L. Walden,
Sir John Harrington, Lord Harrington,
Sir John Hollis, now Lord Hantein,
Sir Thomas Holecraft,
Sir William Harris,
Sir Thomas Harefleet,
Sir George Haiward,
Sir Warwick Heat,
Sir Baptist Hicks,
Sir John Hanham,
Sir Thomas Herwell,
Sir Thomas Hewitt,
Sir William Henick,
Sir Eustace Hart,
Sir Perry Huntley,
Sir Arthur Harris,

Sir Edward Heron,
Sir Perseval Hart,
Sir Ferdinando Heiborne,
Sir Laurence Hyde,
Sir Hugh Hammersley, Alderm'n,
Mr. Richard Heron, Alderman,
Richard Humble, Esqr.,
Mr. Richard Hackluit,
Edward Harrison,
George Holeman,
Robert Hill,
Griffin Hinton,
John Hawkins,
William Hancocke,
John Harper,
George Hawger,
John Holt,
John Huntley,
Jeremiah Heider,
Ralph Hamor,
Ralph Hamor, Jun'r,
John Hodgeson,
John Hanforde,
Thomas Harris,
Richard Howell,
Thomas Henshaw,
Leonard Harwood,
Tristram Hill,
Francis Hansbridge,
Tobias Henson,
Peter Heightley,
George Hawkenson,
Thomas Hackshawe,
Charles Hawkens,
John Hodges,
William Holland,
Robert Hartley,
Gregory Herst,
Thomas Hodgis,

William Hodgis,
Roger Harris,
John Harris,
Mr. John Haiward,
James Haiward,
Nicholas Hide, Esqr.,
John Hare, Esqr.,
William Hackwell, Esqr.,
Gressam Hogan,
Humphrey Hanford,
William Haselden,
Nicholas Hooker,
Doctor Anthony Hunton,
John Hodsale,
George Hooker,
Anthony Hinton,
John Hogsell,
Thomas Hampton,
William Hicks,
William Holiland,
Ralph Harrison,
Harman Harrison,

Sir Thomas Jumin,
Sir Robert Johnson,
Sir Arthur Ingram,
Sir Francis Jones,
Company of Ironmongers,
Company of Inholders,
Company of Imbroiderers,
Bailifs of Ipswick,
Henry Jackson,
Richard Ironside,
Mr. Robert Johnson, Alderman,
Thomas Jones,
William Jobson,
Thomas Johnson,
Thomas Jadwin,
John Josua,
George Isam,

Philip Jacobson,
Peter Jacobson,
Thomas Juxon, Senior,
James Jewell,
Gabriel Jaques,
Walter Jobson,
Edward James,
Zachary Jones, Esqr.,
Anthony Irbie, Esqr.,
William Janson,
Humphrey Jobson,

Sir Valentine Knightley,
Sir Robert Killegrew,
Sir Charles Kelke,
Sir John Kail,
Richard Kerrill,
John Kirrill,
Ralph King,
Henry Kenk,
Town of Kingslinne,
John Kelleby, Esqr.,
Walker Kirkham, Esqr.,

Henry, Earl of Lincoln,
Robert, Lord Lisle, now Earl of Leicester,
Thomas, Lord Lawarr,
Sir Francis Leigh,
Sir Richard Lowlace,
Sir William Litton,
Sir John Lewson,
Sir William Loner,
Sir Samuel Leonard,
Sir Sampson Leonard,
Company of Leathersellers,
Thomas Laughton,
William Lewson,
Peter Latham,
Peter Van Lore,

Henry Leigh,
Thomas Lavar,
Christopher Landman,
Morris Lewellin,
Edward Lewis,
Edward Lewkin,
Peter Lodge,
Thomas Layer,
Thomas Lawson,
Francis Lodge,
John Langley,
David Loyd,
John Levits,
Thomas Fox,
Luke Lodge,
Captain Richard Linley,
Arnold Lulls,
William Lawrence,
John Landman,
Nicholas Litchfield,
Nicholas Leate,
Gideon de Lawne,

Philip, Earl of Montgomery,
Doctor George Mountain, now Lord Bishop of Lincoln,
William, Lord Mounteagle, now Lord Morley,
Sir Thomas Mansell,
Sir Thomas Mildmay,
Sir William Maynard,
Sir Humphrey May,
Sir Peter Manhood,
Sir John Merrick,
Sir George More,
Sir Robert Mansell,
Sir Arthur Mannering,
Sir David Murrey,
Sir Edward Michelborn,
Sir Thomas Middleton,
Sir Robert Miller,
Sir Cavaliere Maicott,
Doctor James Meddus,
Richard Martin, Esqr.,
Company of Mercers,
Company of Merchant Tailors,
Otho Mondite,
Capt. John Martin,
Arthur More,
Adrian Mouse,
Thomas Mountford,
Thomas Morris,
Ralph Morton,
Francis Mapes,
Richard Maplesden,
James Menger,
Peter Mensell,
Robert Middleton,
Thomas Maile,
John Martin,
Josias Maude,
Richard Merton,
George Mason,
Thomas Maddock,
Richard Moore,
Nicholas Moon,
Alphonsus Van Medleck,
Capt. Henry Meoles,
Philip Meetes,
Thomas Mayall,
Humphrey Mallett,
Jarvis Mundy,
Robert Mildmay,
William Millet,
Richard Morer,
John Miller,
Thomas Martin,
John Middleton,
Francis Middleton,

Dudley, Lord North,
Francis, Lord Norris,
Sir Henry Neville of Barkshire,
Thomas Nichols,
Christopher Nichols,
William Nichols,
George Newce,
Joseph Newberow,
Christopher Newgate,
Thomas Norincott,
Jonathan Nutall,
Thomas Norton,

William Oxenbridge, Esqr.,
Robert Offley,
Francis Oliver,

William, Earl of Pembroke,
William, Lord Padgett,
John, Lord Petre,
George Piercy, Esqr.,
Sir Christopher Parkins,
Sir Amias Preston,
Sir Nicholas Parker,
Sir William Poole,
Sir Stephen Powell,
Sir Henry Peyton,
Sir James Perrott,
Sir John Pettus,
Sir Robert Payne,
William Payne,
John Payne,
Edward Parkins,
Thomas Perkin,
Richard Partridge,
William Palmer,
Miles Palmer,
Rober Parkhurst,
Richard Percival, Esqr.,
Richard Poyntell,

George Pretty,
George Pitt,
Allen Piercie,
Abraham Pierce,
Edmund Pierce,
Phenice Pet,
Thomas Philips,
Henry Philpott,
Mr. George Proctor,
Robert Pennington,
Peter Peate,
John Prat,
William Powell,
Edmund Peashall,
Capt. William Proude,
Henry Price,
Nicholas Pewriffe,
Thomas Pelham,
Richard Piggott,
John Pawlet, Esqr.,
Robert Pory,
Richard Paulson,

William Quick,

Sir Robert Rich, now Earl of Warwick,
Sir Thomas Roe,
Sir Henry Rainsford,
Sir William Romney,
Sir John Ratcliffe,
Sir Stephen Riddlesdown,
Sir William Russell,
Mr. Edward Rotheram, Alderman,
Robert Rich,
Tedder Roberts,
Henry Robinson,
John Russell,
Richard Rogers,

Arthur Robinson,
Robert Robinson,
Milicent Ramsden,
John Robinson,
George Robins,
Nicholas Rainton,
Henry Rolfe,
John Reignolds,
Elias Roberts,
Henry Reignolds, Esqr.,
William Roscanocke, Esqr.,
Humphrey Raynard,
Richard Robins,

Henry, Earl of Southampton,
Thomas, Earl of Suffolk,
Edward Seamer, Earl of Hartford,
Robert, Earl of Salisbury,
Mary, Countess of Shrewsbury,
Edmund, Lord Sheffield,
Robert, Lord Spencer,
John, Lord Stanhope,
Sir John St. John,
Sir Thomas Smith,
Sir John Sams,
Sir John Smith,
Sir Edwin Sandys,
Sir Samuel Sandys,
Sir Stephen Some,
Sir Ralph Shelton,
Sir Thomas Stewkley,
Sir William Saint John,
Sir William Smith,
Sir Richard Smith,
Sir Martin Stutevill,
Sir Nicholas Salter,
Doct'r Matthew Sutcliffe, of Exeter,
Capt. John Smith,

Thomas Sandys, Esqr.,
Henry Sandys, Esqr.,
George Sandys, Esqr.,
Company of Skinners,
Company of Salters,
Company of Stationers,
John Stokley,
Richard Staper,
Robert Singleton,
Cleophas Smith,
Thomas Shipton,
Richard Strongtham,
Hildebrand Spurson,
Matthew Scrivener,
Othowell Smith,
George Scott,
Hewet Stapers,
James Swift,
Richard Stratford,
Edmund Smith,
Robert Smith,
Mathias Springham,
Richard Smith,
Edward Smith,
Jonathan Smith,
Humphrey Smith,
George Swinhowe,
Joseph Some,
William Sheckley,
John Southick,
Henry Shelley,
Walter Shelley,
Richard Snarsborow,
George Stone,
Hugh Shepley,
William Strackey,
Urion Spencer,
John Scarpe,
Thomas Scott,
William Sharpe,

Stephen Sparrow,
Thomas Stokes,
Richard Sheppard,
Henry Spranger,
William Stonnard,
Stephen Sad,
John Stockley,
Thomas Stephens,
Matthew Shepard,
Thomas Sherwell,
William Seabright, Esqr.,
Nicholas Sherwell,
Augustine Steward,
Thomas Stile,
Abraham Speckhard,
Edmund Scot,
Francis Smalman,
Gregory Sprint, Esqr.,
Thomas Stacey,
William Sandbatch,
Augustine Stuard, Esqr.,

Sir William Twisden,
Sir William Throckmorton,
Sir Nicholas Tuffton,
Sir John Trevor,
Sir Thomas Tracey,
George Thorpe, Esqr.,
Doctor William Turner,
The Trinity House,
Richard Turner,
John Taverner,
Daniel Tucker,
Charles Towler,
William Taylor,
Leonard Townsen,
Richard Tomlins,
Francis Tate, Esqr.,
Andrew Toughton,
George Tucker,

Henry Timberlake,
William Tucker,
Lewis Tite,
Robert Thornton,

Sir Horatio Vere,
Sir Walter Vaughan,
Henry Vincent,
Richard Venne,
Christopher Vertue,
John Vassell,
Arthur Venne,

Henry, Bishop of Worcester,
Francis West, Esqr.,
Sir Ralph Winwood,
Sir John Wentworth,
Sir William Wood,
Sir Robert Wroth,
Sir Percival Wellenbly,
Sir Charles Wilmot,
Sir John Watts,
Sir Hugh Worrell,
Sir Edward Waterhouse,
Sir Thomas Wilsford,
Sir Richard Williamson,
Sir John Wolstenholme,
Sir Thomas Walsingham,
Sir Thomas Watson,
Sir Thomas Wilson,
Sir John Weld,
Mrs. Catherine West, now Lady Conway,
John Wroth, Esqr.,
Capt. Maria Winckfield, Esqr.,
Thomas Webb,
Rice Webb,
Edward Webb,
Sands Webb,
Felix Wilson,

Thomas White,
Richard Wiffin,
William Williamson,
Humphrey Westwood,
Hugh Willeston,
Thomas Wheatley,
William Wattey,
William Webster,
James White,
Edmund Winne,
John West,
John Wright,
Edward Wooler,
John Westronse,
Edward Welch,
Nathaniel Wood,
Richard Weddowes,
David Waterhouse, Esqr.,
Capt. Owen Winne,
Randall Wetwood,
George Wilmer, Esqr.,
Edward Wilkes,
Leonard White,
Andrew Wilmer,
Clement Wilmer,
George Walker,
William Welbie,
Francis Whistler,
Thomas Wells,
Capt. Thomas Winne.

# INDEX.


ABBOTT, Jeffrey, I, xvi.
ABBOTT, George, Archbishop of Canterbury, I, 3.
ABBOTT, Sir Maurice, I, 2; Sketch of, 3, 8, 63, 82, 179; II, 38, 185.
ABDY, Anthony, I, 8, 62, 177.
ADAMS, I, xxvi.
ADAMS, H. B., I, xii.
ADAMS, Henry, I, xxx.
ADDISON, Mr., II, 20.
*Adventurers for Virginia, Shares of*, I, 14; Names of collected, 74; List of in 1620, II, 273.
*Advertiser*, The Boston, cited, I, xi.
AFFREY, Thomas, I, xviii.
ALLEYNES, Mr., I, 125.
ALLIBONE, S. Austin, I, xl.
*Ambergris*, I, 192.
*America*, Narrative and Critical History of, cited, I, viii, xxv; Origin of the name, xii.
AMPORT, Mr., I, 150.
"*Ampthill*," Va., I, 51.
*Amsterdam*, Ships from, I, 134.
ANDERSON, I, xiv.
*Anglo-American Colonization*, Records of, I, x.
ANTHONY, Charles, I, 9.
ANTHONY, Dr. Francis, Sketch of, I, 1, 8, 11, 61, 118, 175.
ANTHONY, Dr. John, I, 9, 38.
*Apothecaries for Virginia*, I, 131.
*Appomattox Indians*, I, 16.
ARBER, Edward, I, xviii, xxix.
ARCHER, Gabriel, I, xiv.
*Archer's Hope*, I, 118, 139; II, 37.
ARGALL, Sir Samuel, I, 5; Sketch of, 9, 20, 54, 61, 65, 72, 79, 189, 190; II, 29; Letter from the Company to, complaining of his government, 31, 38; proclaims bounds of Jamestown, 37; condemned, 40, 185, 187, 190, 194, 196, 263, 270.
*Argal's Guifte*, I, 140.
*Argall Town*, II, 37.
*Arms and armor for Virginia*, II, 7; dug up at Jamestown, 7, 9; carried to Virginia by Captain Martin, 253; of England, alteration in, I, 158.
*Arnold's Invasion of Virginia*, I, xxiv.
ARUNDEL, Thomas, Lord, I, 46, 49, 53, 57.
ARUNDLE, Peter, I, 62.
ASHLEY, Sir Anthony, II, 163.
ASHTON, John, I, xxx.
ASKEW, Mr., I, 126.
ASPINWALL, Col. Wm., I, xx.
*Asses to the Colony*, I, 83.
AUGER, or AUCHER, Sir Anthony, I, 8, 77.
AULSWORTH, Mr., I, 140.
AYRES, Thomas, I, 93, 118, 125, 150, 155, 157, 160.

BACON, Lord, I, xxix.
BACON'S, Nath'l, "Rebellion," I, xxxvii, 84.
BAGG, James, I, 83.
BAGNALL, Anthony, I, 19.
BAGWELL, Mr., I, 62, 125, 160, 211.
BAIRD, Rev. Charles W., I, xxii.
BAKER, Mr., I, 176.
BALDWIN, Mr., I, 47.
BAMFORD, Mr., I, 38, 59, 160.
BANCROFT, George, I, xiii, xx, xxi, xxx, xliii
BARBOR, Gabriel, I, 1, 5, 62, 118, 125, 158, 160; II, 20, 215, 267, 269.
BARGRAVE, Capt. John, Sketch of, I, 10, 20, 38, 60, 62, 87; presents treatise on the government of Virginia, 108, 117, 126, 150, 175; II, 20.
BARKER, Mr., I, 118, 160.
BARKHAM, Mr., I, 61, 175, 210; II, 6, 201.
*Barley for seed*, I, 129.
BARNES, Joseph, I, xvii.
BARNEY, Charles G., I, xviii, xxxii.
BARRON, Mr., I, 62, 150.
*Bartlett's Hundred*, I, 43.
*Basse's Choice*, I, 92.
BASSE, Nath'l, Sketch of, I, 92, 154, 161.
BASSE, Samuel, I, 92.
BATEMAN, Robert, I, 62, 158, 175; notice of, 177.
BAYLY, Capt., I, 195.

BAYNHAM, Alex., I, 210.
BAYNHAM, M. D., John, I, 210.
BAYNHAM, Mr., I, 150; II, 20.
BAYNHAM, M. D., Wm., I, 210.
BAXTER, Sidney S., I, xliv.
BAYON, Mr., I, 175.
BEACHER, W., II, 127, 250.
BEALE, Dr. James, I, xxxvi.
BEHN, Mrs. Aphra, I, xxxviii.
BELL, Robert, I, 175; notice of, 177.
BELL, Wm., I, 3, 8.
BENNETT, I, xxxi.
BENNETT, Edward, I, 92.
BENNETT, Mr., I, 175, 184, 210; II, 12, 20, 166, 185, 269.
BENNETT, Gov. Richard, I, 84, 92, 155.
BENNETT, Robert, I, 92, 155.
BENNETT, Rev. Wm., I, 95.
BERBLOCK, James, I, 10, 20, 35, 36, 38, 56, 61, 74, 76, 80, 82, 104, 118, 125, 150, 160, 175, 210; II, 96, 163, 194, 215, 224, 269.
*Berkeley*, I, 83.
BERKELEY, John, I, 50, 63, 122, 123, 168, 170.
BERKELEY, Mr., I, 61.
BERKELEY, Maurice, I, 50, 123; II, 252.
BERKELEY, Sir Wm., I, xix, xxxvii, 102, 154, 211.
*Bermuda Islands*, I, 9, 10, 97, 146; wreck of colonists on, 193.
BERNARD, Capt., II, 202.
BERNARD, Mr., I, 20, 75, 104, 128, 184.
BERNARD, Thomas, I, 20.
BERNARD, Wm., I, 20.
BERREY, John, I, 189.
BEST, Wm., II, 257.
BEVERLEY, Robert, I, xxxviii, 68, 153.
BIDDOLPH, Mr., I, 118, 125; II, 269.
BING, or BYNGE, Mr., I, 125, 150, 175, 210; II, 8, 12, 20, 59, 62, 69, 108, 112, 113, 115, 128.
BINGHAM, Capt. John, I, 10, 87, 108.
BINGLEY, Sir John, I, 60.
BISHOP, I, xliii.
BINION, Mrs. Catharine, I, 129.
BINION, Thomas, I, 129.
BLAIR, Rev. James, I, xxv.
BLAND, Adam, I, 83.
BLAND, Giles, I, xxxvii, 84.
BLAND, John, I, 20, 62; sketch of, 83, 84, 90, 104, 118, 125, 157, 171, 175; II, 20, 213, 215, 224, 269.
BLAND, Richard, I, viii, 140.
BLAND, Roger, I, 83.
BLAND, Theodrick, I, 83, 140.
BLEWETT, Capt. Bennett, I, 76, 183.
*Block-house or fort*, I, 172, 176; II, 20.
BLOUNT, Charles, Lord Mountjoy, I, 2.
*Blunt's Point*, I, 118, 171, 176.
BLYTH, John, II, 213.
*Bodleian Library*, I, 81, 86.
BOHUN, Dr. Lawrence, Sketch of, I, 18, 38, 98, 128; killed, 139, 140.
BOLLING, Robert, I, 31, 68.
BOLTON, Rev. Francis, Sketch of, I, 135, 140.
BOLTON, or BOTTON, Mr., I, 150, 160.
BOND, Mr., I, 210.
BONOEIL, I, xix, 148; II, 10.
*Book*, First, prepared in America, I, 2.
*Books* presented to the Company, I, 165.
BOOTH, Robert, I, 103.
BOOTHBY, Mr., I, 10, 20, 118, 160, 176, 210; II, 269.
BOULTON, Mr., I, 19, 62.
BOURCHIER, Sir John, II, 166, 174, 135.
*Bows and arrows* given the Indians, II, 9.
BOYLE, John, II, 257.
*Boys sent to the Colony*, I, 83, 140, 169; II, 11.
BRANCH, Mary, I, 118.
BRANCH, Wm., I, 118.
BRAY, Elizabeth, I, 3.
BRECKENRIDGE, Mr., I, 62.
BREWER, Thomas, I, 160, 190.
BREWSTER, Capt. Edward, I, 1, 5, 19, 61, 76; complains of Argall, II, 29, 39, 196.
BREWSTER, Henry, I, 6.
BREWSTER, Richard, II, 259, 262.
BREWSTER, Wm., I, 5, 10.
BRIGGS, Henry, I, 19, 38, 61, 76, 80, 160.
BROCAS, Capt. Wm., I, 68.
BROCK, John, I, 103.
BROCK, R. A., I, xi, xxi, xxii, xxiii, xxiv, xxx, xxxvi, xxxvii, xli, xliii, xlix, xlvii, 152.
BROCKENBROUGH, Wm. H., I, xli.
BROMFIELD, Arthur, I, 20, 38, 61, 76, 85, 104, 126, 150, 160, 175, 210; II, 20.
BROMFIELD, Bridget, I, 210.
BROMFIELD, John, I, 210.
BROOKE, Christopher, I, 13, 39, 56, 61, 71, 81, 96, 157; II, 38, 78, 95, 96, 129.

RARE BOOK LIBRARY OF THE UNIVERSITY OF CALIFORNIA

BROOKE, Sir John, I, 174, 184, 209; II, 66, 112, 152, 167, 174, 246.
BROOKE, Mr., II, 50, 74.
BROOKE, Thomas, Lord Cobham, I, 102.
BROOKS, Mr., II, 8.
BROWN, Alex., I, xxx.
BROWN, Mr., I, 125, 176.
BRUCE, Col. T D., I, xlii.
BRYMNER, Douglas, I, xli.
BUCK, Benoni, I, 210.
BUCK, Gershom, I, 210.
BUCK, Peleg, I, 210.
BUCK, Rev. Richard, I, 210.
BUCKERIDGE, Mr., I, 10.
BUCKINGHAM, Duke of, I, xxxii; II, 126.
BULL, Mr., I, 20, 25, 38, 49, 62, 76, 104, 118, 150, 158, 160, 175, 210; II, 20, 269, 273.
BURGH, John, II, 213.
BURK, John Daly, I, xl.
BURKE, John, I, xliv.
BURLEIGH, Lord, I, xliv.
BURWELL, Lewis, I, 20.
BURWELL, Capt. Nath'l, I, xxxvii.
BUSH, John, I, 190.
BUTLER, Mr., I, 210.
BUTLER, Capt. Nath'l, Sketch of, I, 10; his Unmasked Face of Virginia, II, 168, 171; answer to, 175, 183, 185, 198
BUTTON, Sir Thomas, I, 61.
BYRD, Mrs. Mary Willing, I, vii.
BYRD, Col. Wm., his letter-book, I, vi, xxvi; library, vii, 50, 104, 154.

CABELL, N. F., I, xliii.
CÆSAR, Sir Julius, I, 14; II, 126.
*Calendar of Virginia State Papers*, I, 153.
CALVERT, Sec'y Geo., Lord Baltimore, Sketch of, I, 18, 177; II, 126, 220, 228, 233, 249.
CAMPBELL, Chas., I, xxxv, xxxix.
CAMPBELL, John Wilson, I, xl.
CAMERON, Gov. W. E., I, vii.
*Candle, Sale by*, I, 34, 59.
CANNING, Wm., I, 3, 8, 20, 34, 59, 61, 150, 158, 175; II, 108, 166, 184, 188.
CANTERBURY, Archbishop of, I, 12; II, 133.
CAPPS, Wm., I, 161, 188; II, 262.
CAREW, Lord, II, 228.
CARLETON, Dudley, I, xxix.
CARLISLE, Earl of, II, 233, 246.
*Carpenters and Ship wrights*, I, 159; from Hamburg, I, 74, 75.
CARTER, James, II, 181, 213.
CARTER, Mr., I, 176.
CARTWRIGHT, Mr., I, 104, 118.
CARY, Col. Archibald, I, 51.
CARY, Sir Philip, I, 77, 104, 125, 157, 160, 175; II, 12.
CASEWELL, Richard, I, 20, 35, 38, 49, 59, 61, 74, 82, 104, 118, 125, 128, 157, 171, 175, 184, 210; II, 12, 20, 93, 96, 227, 249, 261, 267, 272.
*Cattle sent to Virginia*, I, 23, 37; in 1619, 65, 83; cost of, 96, 169, 132, 168.
CAVENDISH, Thomas, Lord, I, 2, 7, 18, 27, 38, 39, 60, 72, 117, 125, 157, 160, 174, 179, 184, 187; II, 19, 26, 40, 68, 73, 78, 112, 115, 120, 126, 129, 132, 136, 146, 152, 163, 166, 168, 185, 194, 219, 227, 253, 267, 271.
CECIL, Gen. Edward, I, 2, Sketch of, 44, 46, 51, 57.
CECIL, High Treasurer, I, 18.
*Cedar Post from Virginia*, I, 50.
CHALLONER, Mr., I, 118, 125, 150, 158, 176; II, 20.
CHAMBERLAIN, Abraham, I, 61, 84, 85, 99, 104, 118, 134, 135, 137, 138, 157, 171.
CHAMBERLAIN, John, I, xxix.
CHAMBERS, George, I, 62, 84, 86.
CHAPLIN, Isaac, I, 103.
*Chaplin's Choice*, I, 103.
*Charles City*, I, 64, 82, 146.
CHARLES I, I, 3.
*Charter, New, for the Company*, petitioned for, I, 49, 57.
CHEEKE, Sir Thomas, I, 3, 8, 18, 61.
CHEELEY, Mr., II, 20.
CHELLELL, Mr., I, 175.
"*Chellowe*," I, 68.
*Chelsea*, I, v.
*Cherbrove's Nest*, II, 182.
CHESSE, Capt. James, II, 11.
CHICHESTER, Earl of, II, 40, 126, 228, 233, 249.
*Chichomini Indians*, II, 189.
CHIDLEY, Philip, I, 20.
*Children sent to Virginia*, I, 5, 25, 36, 39, 70, 91, 96.
*Chipoak's Centre*, I, 188.
*Chiskoyoke, Indian King of*, I, 103.
*Church Service presented*, I, 13.
*Cincinnati, Minutes of Virginia Branch of*, I, xxvi.
CLAIBORNE, Col. Wm., Surveyor, Sketch of, I, 131; "Rebellion" of, xxxvi.
CLAIBORNE, Edward, I, 131.
CLAIBORNE, Grace Bellingham, I, 131.

CLARENDON, Earl of, I, 61.
CLARK, Edward, I, 118.
CLARKE, Mrs. Hannah, I, 103.
CLEBORNE, M. D., U. S. Navy, Surgeon J. C., I, vii.
CLITHEROUS, Christopher, I, 3, 19, 62, Notice of, 177.
CLOPTON, John Bacon, I, xlv.
CLYBORNE, Richard, I, 131.
COBB, T. R. R., I, xliii.
COCKE, I, xxvi.
COCKAIN, Sir Wm., Petition to; sketch of, I, 24.
COLE, Mr., I, 125.
COLEMAN, Anthony, I, 130.
"*Colle*," I, 69.
COLEMAN, Mrs. C. B. T., I, xxv.
*College projected in Virginia*, I, 6, 11, 12, 68, 146, 150, 151, 218.
COLLET, John, I, 61, 62, 210.
COLLET, Sir John, I, 60.
COLLET, Sir Thomas, I, 60.
COLLETT, Thomas, I, ix, 19.
COLLINGWOOD, Edward, II, 211, 215, 224, 269.
COLLINGWOOD, Nicholas, I, vi, viii.
*Colonists, Virginia*, I, 36, 47, 48, 64; number in 1619, and condition of, 65, 66, 83; cost of transportation of, 89; record of them recommended, II, 17, 23; scarcity of provisions with, 177; local mode of conveyance of, 178; petition of to the King, 257.
*Colony of Virginia*, Products and commodities of, I, 67; II, 128, 179, 190; receipts from and disbursements for, 1619, I, 70; new patent of, 109; amount expended on, 129; fortifications of, II, 178; laws of the, 179.
COLT, Mr., II, 20.
COLUMBUS, Christopher, I, 146.
COMB, Thomas, I, 60, 62, 125.
COOKE, John Esten, I, xxviii, xxx.
*Congress, Library of*, I, viii.
COPLAND, Rev. Patrick, I, xlii, Sketch of, 146, 150, 152, 160, 165, 170, 218; II, 20, 163, 267, 171.
CORCORAN, W. W., I, xlvii.
*Cordage, Flax and Hemp*, I, 67, 96.
CORVELLIS, Nicholas, II, 182.
*Cotton MS.*, I, xxxvi.
COALHURST, Mr., I, 176.
*Council of the Colony*, I, 126.
COVELL, Mr, I, 20, 38, 62, 104, 118, 150, 160; II, 269.
*Coxendale*, I, 218; II, 5.
CRANMER, Wm., I, 10, 19, 25, 27, 34, 39, 49, 52, 56, 61, 72, 78, 80, 86, 104, 128, 175, 210; II, 20, 267.
CRANFIELD, Lionel, Lord Middlesex, Sketch of, II, 126.
CRASHAW, W., I, xv, xviii.
CRAWFORD, Lion'l, II, 33.
CRISPE, Francis, I, 102.
CRISPE, Thomas, I, 102.
CROFTS, Sir Henry, I, 61.
CROMWELL, I, 93.
CROMWELL, Oliver, I, 1.
CROWE, John, I, 154.
CRUMPE, Eliz'h, I, 210.
CUFFE, John, I, 60, 62, 76; II, 267.
CUGLEY, Daniel, I, 134.
CULPEPER, Capt. Alex., I, 211.
CUSHING, J. S., I, xlv.
CYRIL, of Alexandria, I, 82.

DALE, Sir Thos., I, vii, 5, 9; sketch of, 15, 21, 47, 56, 101, 114, 118, 146, 165, 185; II, 190.
DANVERS, Sir John, I, vi, 2, 11, 17, 18, 26, 27, 36, 39, 47, 50, 52, 56, 58, 61, 72, 74, 76, 77, 80, 81, 86, 87, 104, 116, 117, 127, 128, 150, 157, 175, 184, 209; II, 8, 12, 19, 33, 38, 40, 46, 56, 66, 76, 81, 82, 96, 112, 136, 166, 185, 205, 213, 215, 219, 237, 253, 271.
DARNELLY, Daniel, I, 38, 62, 82, 99, 104, 126, 149; II, 269.
DASHIELL, T. G., I, xliii.
DAUBER, Thomas, I, 8.
DAVENPORT, Rev. John, I, 149.
DAVIS, John, I, xxxi.
DAVISON, Alice, I, 127.
DAVISON, Christopher, Sketch of, I, 127, 128; II, 239.
DAVISON, Sir Wm., I, 127.
DAWES, Mr., I, 125.
DEAN, John Ward, I, x.
DEANE, Charles, I, x, xii, xiv, xx, xxii, xxvii, xxix, xxx, xliii, 154.
DE BLORE, Susan, I, 83.
DE BRY, I, xviii, xxviii.
DE CLARK, John, I, 135.
DE LANNE, Mr., I, 175.
DE LA WARR, Charles, Fifth Lord, II, 184.
DE LA WARR, Henry, Fourth Lord, II, 84, 152, 184.
DE LA WARR, Thomas, Third Lord, I, 5, 8, 15; sketch of, 114; II, 29; letter from Company to regarding Capt. Argall, 33; his widow complains of Argall, 45, 196.
DELBRIDGE, Sir John, I, 21; proposes to make settlement in Virginia, 27, 58, 90, 166; II, 20.

De Mildme, Hugh, II, 20.
Dennett, Mr., II, 185.
Dennis, John, II, 181.
De Passe, Simon, I, xxxi.
*Deputies in Virginia*, I, 54, 58.
Derds, Mr., II, 20.
De Vere, Prof. Schele, I, xxxi.
Devonshire, Earl of, I, 60, 77, 103, 209.
Dickenson, John, II, 68, 230, 233.
Digby, Lord, II, 163.
Digges, I, 2, 3.
Digges, Anne, I, 2.
Digges, Cole, I, 3.
Digges, Dudley, I, 3.
Digges, Sir Dudley, Sketch of, I, 2, 3, 8, 11, 18, 39, 60, 77, 82, 87, 125, 127, 128, 157.
Digges, Gov. Edward, I, 3.
Digges, John, I, 3.
Digges, Leonard, I, 2.
Dike, Mr., I, 62, 167, 210; II, 16.
Dilke, Clement, II, 225.
Dilke, Mr., II, 220.
Dimmer's discoveries, I, 134.
Dinwiddie, Robert, I, xlvii.
*Dispatch, The Richmond*, I, xxx.
*Dissolute Persons to be sent to Virginia*, I, 17.
Ditchfield, Edward, I, 3, 8, 19, 35, 62, 151, 158, 175, 184, 210; II, 166, 168, 184, 185.
Dixon, Adam, I, 88, 89.
Dixon, Mrs., I, 88.
Doncaster, James, Lord, I, 38, 60, 72, 104, 109.
Donne, John, I, 24.
Dorset, Earl of, I, 60, 77, 103.
Douglas, Rev. Wm., I, xxvii.
Dove, John, I, xliv.
Dowe, Mr., I, 125.
Drake, Sir Francis, I, 19.
Drake, Saml. G., I, xxii.
Dryden, I, 209
*Duel, First in America*, I, 211.
Dupuy, I, xlvii.
"*Dust and Ashes*," Gift from, I, 161.
*Dutch Gap*, I, vii.
Dutton, Eliz'h, I, 7.
Dutton, John, I, 7.
Dutton, Sir Thos., I, 7.

Each, Capt. Saml., I, 171, 176; II, 178, 211.
Earle, Christopher, I, 61, 125, 129, 175, 209.
Earle, Sir Walter, I, 61, 77, 104, 117, 175, 209; II, 40.

*East India School*, I, 152; Company, salary of Treasurer, II, 62.
Edmunds, Sir Clement, I, 52.
Edmunds, Isabella, II, 185.
Edmunds, Mary, II, 20.
Edmunds, Sir Thos., II, 20, 185.
Edwards, Mr., I, 19, 38, 61, 104, 121, 125, 175; II, 185, 247.
Effingham, Lord, I, 153.
Eggleston, Edward, I, xxxvii, xliii.
Eldred, Mr., I, 175.
*Eleuethera Island*, I, 146.
Elgcoke, Sir Francis, I, 60, 157, 174; II, 40.
Eliot, John, I, 132.
*Elizabeth City*, I, 64, 82, 190.
Elizabeth, Queen, I, 2; II, 17; portrait of, I, 155.
Elkington, Wm., I, 160; II, 33.
Elkins, Mr., I, 175.
Elwin, Hastings, I, xxxii.
Elwin, Mrs. Peter, I, xxxii.
*Engineers for Virginia*, I, 46, 51.
Englebert, Mr., I, 85.
Erasmus, I, vi.
Essington, Wm., I, 8, 76, 210.
Ewins, Mr., I, 116, 118, 125, 171.

Fairfax, his children killed by the Indians, II, 36.
*Falling Creek*, Indian massacre at, I, xxvi, 50.
Farrar, Judith, I, 118.
Farrar, Col. Wm., I, 20.
Fawcett, Mr., I, 160.
Felgate, Erasmus, I, 210; II, 182.
Felgate, John, I, 210; II, 182.
Felgate, Judith, I, 210
Felgate, Mr., I, 62, 160, 175, 210.
Felgate, Margaret, I, 210; II, 182.
Felgate, Capt. Robert, I, 210; II, 181.
Felgate, Capt. Tobias, I, 210; II, 181, 269.
Fells, Capt. John, II, 213, 214.
Felsenhart, J., I, xxiii.
Fernow, Berthold, I, xxv.
Ferrar, John, I, ix, 3, 4, 8, 11, 19, 25, 26; sketch of, 38, 49, 55, 56, 58, 61, 68, 74, 76, 78, 80, 82, 86, 95, 96, 99, 104, 108, 116, 118, 122, 125, 128, 134, 141, 146, 150, 157, 158, 160, 166, 175, 177, 178, 184, 209; II, 8, 10, 12, 14, 20, 25, 38, 40, 46, 51, 73, 86, 96, 112, 126, 127, 129, 185; accounts of approved, 210, 216; letter to from the King, 217; reply, 218, 221, 267, 269, 272.

FERRAR, Jr., John, I, 8.
FERRAR, Nicholas, I, vi, ix; sketch of, 19; bequeaths £500 to the Company, 55, 61, 68, 104, 108, 117, 118, 125, 150, 179, 184; II, 20, 185; Accounts of approved, 212, 216, 221, 242, 246, 253 255.
FERRAR, Richard, I, 160.
FERRAR, Robert, Bishop of St. David's, I, 17.
FERRAR, Virginia, Sketch of, I, 38.
FIELD, I, xviii, xxviii.
FIELD, Major, I, 118.
FIELD, Mary, I, 118.
FINCH, Henry, I, 103.
FINCH, Lady Katherine, I, 102.
FINCH, Sir Thomas, I, 102, 103.
FISHBORN, Mr., I, 62.
*Fisheries of the Colony*, I, 84.
FITZHUGH, I, xliv.
FITZHUGH, Col. Wm., I, xxvi.
FITZJEFFRIES, Mr., I, 145; II, 213.
FLAPTON, Mr., I, 160.
*Flax and hemp cultivated*, I, 16, 95.
FLEETWOOD, Sir Wm., I, 61.
FLETCHER, I, xliv.
*Flowerdieu Hundred*, I, 118, 188.
FLOYD, John, I, xliv.
FOGGE, Mr., II, 20.
FONTAINE, I, xlvii.
FORCE, Peter, I, xv.
FORTESCUE, Nicholas, II, 215.
*Forts Charles and Henry*, I, 114; to be erected, II, 151.
FOXTON, Mr., I, 125; II, 20.
FRANK, Daniel, I, 125; II, 20.
*Friends, Records of the Society of*, I, xliii.
FULLER, I, xxvii.
*Fur Trade*, I, 138; provided for, 159.

*Garden, common, set up*, I, 21; seeds provided, 129.
GARDINER, Mr., I, 160.
GARRETT, Mr., II, 20.
GATES, Sir Thomas, Sketch of, I, 5, 15, 18, 21, 38, 44, 46, 114, 152.
GATS, Capt. Daniel, I, 156.
GAY, I, xxx.
GEORGES, Sir Ferdinando, I, 18, 27, 52, 77, 90, 97; II, 38.
GERARD, Thomas, I, 103.
*Germanna, Virginia*, I, 51.
GIBBES, Edward, I, 61, 118, 157, 160, 175.
GIBBES, Mr., I, 125, 128, 150, 175, 184, 209; II, 8, 20, 38, 46, 54, 66, 118, 166, 185.
GIBBES, Thomas, I, 3, 8, 20, 35, 38, 39, 53, 56, 61, 72, 74, 76, 82, 104, 108, 117, 126, 157, 160, 175; II, 38, 40.
GIFFORD, Capt., I, 175.
*Gifts to the Company, for Religion, Education, etc.*, I, 29, 42, 45, 55, 56, 68, 94, 146. 149, 152, 162, 165; II, 19, 237.
GILL, Stephen, I, 103.
GILMER, I, xlvii.
GIRARDIN, Louis Hue, I, xl.
*Glass Manufacture in Virginia*, I, 20, 130, 137, 151. Sum contributed to, 158.
*Goats to Virginia*, I, 83; cost of, 87, 132.
GOFTON, Francis, II, 215.
GOLD, Mr., I, 176.
GOLDINGHAM, Capt., I, 126.
GONDOMAR, I, 72.
GOODE, G. Brown, I, xxiv.
GOODWIN, Sir Francis, I, 174.
GOODYEAR, Mr., I, 62.
GOOKIN, Daniel, Sketch of, I, 132, 155, 168, 169; II. 245.
GOSNOLD, Capt. Bartholomew, I, 1.
GOUGE, Rev. Wm., Sketch of, I, 56.
*Government of the Colony*, 1, 85.
*Governor of Virginia, Allowance of*, I, 118.
GRANDISON, Lord, II, 228, 233, 249.
*Granger's Portraits*, I, xxxii.
GRANTHAM, Sir Thomas, I, xxxvii, 60.
GREEN, Wm., I, xiv, xl.
GREEN, Surgeon Wm., II, 181.
GREENWELL, Wm., I, 3.
GREVILLE, Sir Fulke, Lord Brooke, II, 15.
GREY, I, 160.
GRIBELIN, I, xxxviii.
GRIGSBY, Hugh Blair, I, x, xiv, xxxv, xlvi.
GRISWOLD, R. W., I, xvi.
GROCE, Mr., I, 175.
*Guest-house for Sick and Strangers*, I, 136, 138.
GULSTONE, Dr. Theodore, Sketch of, I, 9, 11, 18, 38, 61, 104, 125, 139, 141, 175; II, 20.
GUNDRY, John, I, 191.
GUSTAVUS ADOLPHUS, I, 82.
GYVER, ROBERT, I, 92.

HACKET, Mr., I, 62, 150, 160, 176, 210; II, 106.
HAKLUYT, I, xii.
HALE, Rev. E. E., I, xiv.
HALLIWELL, J. Orchard, I, xvi.

HAMERSLEY, Alderman Hugh, I, 175, 177, 273.
HAMMOND, I, xliv.
HAMOR, Elizabeth, I, 118.
HAMOR, Ralph, I, xviii, 16, 118, 125, 136, 166, 211; II, 13.
HANDFORD, Sir Humphrey, I, 3, 8, 19, 61, 177.
HANES, Mr., I, 150.
HARRISON, B., I, xxv.
HARRISON, George, I, 211.
HARRISON, Dr. Jeremiah, I, 103
HARRISON, Mr., I, 160, 175, 211; II, 20.
HARRISON, Thomas, I, xlii.
"*Harrope*," I, 139.
HARRY, Capt., II, 227.
HARSNETT, Eliz'h, II, 183.
HARSNETT, John, II, 183.
HART, Mr., I, 125, 160.
HARTLIB, I, xx.
HARWELL, Francis, II, 212.
HARWOOD, Sir Edward, I, 16; II, 163.
HARWOOD, Thomas, Sketch of, I, 77.
*Harvard University*, I, xv, xix, xxxii, xxxvi, xxxix.
HARVAY, Katherine, II, 183.
HARVEY, Sir John, I, 77, 130, 139, 153, 211; II, 185.
HASSINGEE, Indian Chief, I, 19.
HAVERSHAM, Baron, II, 183.
HAWKINS, Sir John, I, 19.
HAWKS, Francis L., I, xv, xliii.
HAWTE, Jane, I, 102.
HAWTE, Sir Wm., I, 102.
HAZENELL, Capt. R., I, 185.
HEATH, James E., I, xlv.
HEATH, Robert, I, 86.
HENING, Wm. Waller, I, xliii.
*Henrico*, I, 64, 82, 146.
*Henricus, Island of*, I, 218.
HENRY, Wm. Wirt, I, xi, xxviii, xxx, xlvii.
HENRY, Matthew S., I, xxviii.
HERBERT, Edward, I, 61, 80, 86; II, 30, 215.
HERBERT, George, I, 61.
HERBERT, Mr., I, 50, 53, 59, 72, 78, 109; II, 8.
HERRICK, Sir Wm., I, 61.
HICKFORD, Mr., I, 150, 176.
HICKMAN, I, xl.
HIDE, Nicholas, I, 39, 61, 125, 129, 157, 175.
HIDE, or HYDE, Sir Lawrence, I, 39, 61, 72, 157; II, 81, 84.
HILLAR, O. P., I, xxxi.
HILLIARD, Nicholas, I, xxxii.
HITCH, Henry, II, 181.
HOBSON, John, I, 92; II, 20.
*Hog Island*, I, 133.
*Hogs for the Colony*, I, 133.
HOLCOMBE, James P., I, xlvi.
HOLLIS, Thomas, I, xxix.
HOLLOWAY, John, I, 61.
HOLMES, Geo. Fred'k, I, xlvi.
HOPKINS, Sam'l, I, xxxi.
HOPS, Thomas, I, xviii.
*Horses to the Colony*, I, 83; cost of, 87.
HOTTEN, John Camden, I, xxii.
HOUGHTON, Lord, I, 60, 174, 179, 187.
HOWE, Henry, I, xli.
HOWES, Edward, Sketch of, annuity of tobacco to, I, 174.
HOWISON, R. R., I, xli.
HUDDLESTON, Capt. John, I, 156.
HUDSON, Leonard, I, 146.
*Huguenot Emigration to Virginia*, I, xxiii.
HUMBLE, Peter, II, 213.
HUNNEWELL, James F., I, xiv, 9.
HUNTER, Joseph, I, xvi.
HUNTER, R. M. T., I, xlvi.
HUNTINGDON, Earl of, I, 125.
"*Huntington*," I, 68.
HURD, Edward, I, 218; II, 213.

*Indian* Boy carried to England II, 268; efforts for Christianizing the, I, 133; maids, I, 56, 132; massacre, II, 5, 193; towns burnt, 13.
INGLE, Edward, I, xxxvi, xli.
INGLE, Capt. Richard, I, xxvi.
INGRAM, Sir Arthur, I, 82, Sketch of, II, 15, 156.
*Iron-manufacture, earliest in Virginia*, I, xxxvi, 14, 67, 122, 130, 164, 168; II, 179, 190.
ISTAN, Indian King, II, 237.
*Italian Settlers in Virginia*, I, 130.

JACKSON, Anna, I, 103.
JACOB, Rev. Henry, I, 93.
JACOBB, Mr., I, 26, 51, 144, 205.
JACOBSON, I, 210.
JADWIN, Thomas, I, 62, 118, 126, 160, 175.
*James City*, I, 64, 82.
JAMES, G. Watson, I, xxiv.
JAMES I, King, I, ix, xxxii, 1.
JAMES II, King, I, vi.
*Jamestown*, I, 9, 10.
JAXON, Mr., I, 211.
JEFFERIES, Mr., I, 210.
JEFFERSON, Field, I, 118.

JEFFERSON, John, I, 118.
JEFFERSON, Judith, I, 118.
JEFFERSON, Martha (Wynne), I, 118.
JEFFERSON, Mr., I, 118, 188.
JEFFERSON, Col. Peter, I, 118.
JEFFERSON, Thomas, I, viii, xlvii, 118.
JEFFERSON, Capt. Thos., I, 118.
JEFFORD, Capt., I, 210.
JERMYN, Philip, I, 86, 104, 158; II, 8.
JERMYN, Sir Thomas, I, 209.
JOHNSON, Edward, I, 209; II, 92, 185.
JOHNSON, Alderman Robert, I, 3. 4, 8, 13, 48, 49, 52, 57, 63, 135; II, 31, 33, 89, 108, 122. Complains to the King, 146, 185, 186, 190, 204, 250, 269, 273.
JOHNSON, Robert, I, xvii.
JOHNSON, Wm., I, 175.
*Johns Hopkins University*, I, xli.
JONES, Sir Thomas, I, 38.
JONES, Mrs. Herbert, xxiv.
JONES, Rev. Hugh, I, xxxix.
JONES, James Alfred, I, x.
JONES, Samuel, I, xliv.
JONES, Capt. Thos., Sketch of, I, 156.
JONES, Wm., II, 215.
JOPASSUS, Indian Chief, I, 9.
JORDAN, Ciceley, I, 20.
JORDAN, Mr., II, 257.
JORDAN, Wm., I, 20.
"*Jordan's*" *Virginia*, I, viii.
JULIEN, Wm., I, 190.

KEIGHTLEY, Thomas, I, 20, 25, 35, 36, 38, 39, 49, 50, 61, 72, 78, 80, 104, 125, 158, 160, 175; II, 30, 46.
KEITH, Sir Wm., I, xxxix.
KELLEY, Mr., I, 126.
KELLY, Earl of, II, 233. 249.
KEMPE, Mary, I, 3.
KEMPE, Sir Thomas, I, 3.
KEMPE, Wm., I, 118, 158, 190.
KENDALL, Capt. Miles, II, 189, despoiled of 14 negroes, 189, 202.
*Kent Island*, I, 18.
KERCHEVAL, Samuel, I, xli.
KILLEGREW, ANNE, I, 209.
KILLEGREW, Catherine, I, 209.
KILLEGREW, D. D., Henry, I, 209.
KILLEGREW, Sir Robert, I, 60, 81, Sketch of, 209; II, 20, 60, 82, 96, 112, 136, 205, 213, 215, 253.
KILLEGREW, Thomas, I, 209.
*Killingbeck, Richard, killed by the Indians*, II, 36.
KING, Mr., I, 50, 62.
KINNESTON, Sir Francis, I, 61.
KINSTONE, Mr., I, 125.
KIQUOTAN, I, 64, Grievances of inhabitants of, 190; II, 36.
KIRBY, a pirate, I, 73.
KIRBY, Mr., I, 210; II, 269.
KIRKBRED, Emma, I, 131.
KIRKBRED, George, I, 131.
KIRKHAM, Mr., I, 63.
KIRVELL, Mr., I, 175.

LAFAYETTE, I, xliv.
LAMPKIN, John, II, 41.
*Land* allotted to the adventurers, I. 15 62; the four boroughs, the college, 22; superintendent of, 54, 117; value of shares of, 121; regulations in patenting, 152; grants of for transportation of emigrants, etc., 154; II, 150, 212, 225; purchased from Powhatan, 185; from Opecancanough, II, 6.
LAND, I. 176.
LAND, John, I, 175.
LANGLEY, Mr., I, 175.
LANGTON, Mr., I, 125.
LAUD, Archbishop, I, 19.
LAWLEY, Sir Edward, I, 60, 104, 125, 175; II, 40.
LAWNE, Capt. Christopher, Sketch of, I, 22, 92, 125, 126.
*Lawne's Creek*, I, 92.
LAWRENCE, Mr., I, 104, 150, 176.
*Laws*, Regulation of the, of Virginia, I, 55, 58.
LAWSON, Thos., I, 161.
LAXTON, Mr., I, 175.
LAY, Mr., I, 151.
LEACH, Mr., I, 140.
LEAKE, Capt. Simon, I, 155.
LEAR, Mr., I, 150.
LEAT, Nicholas, I, 61, 150, 177.
LEATE, Rev. Wm., I, 166.
LEDERER, John, I, xix.
LEE, Gen. Robert E., I, xxvi.
*Legislative Assembly*, First in America, I, 5.
LEIGH, Benj. Watkins, I, xlv, xlvi.
LEIGH, Sir Francis, I, 60, 160; II, 40.
LEIGH, Mr., I, 210.
LEIGH, Sir Thomas, I, xxxi.
LEIGH, Judge Wm., I, x.
LEMAN, Nicholas. I, 175.
LENOX, James, I, xxix.
LENOX, James Stuart, Fourth Duke of, Sketch, I, 93; II, 246.
LEVER, Mr., I, 62.
LEVENGE, Mr., I, 150.
LEVESON, Wm., I, 61.
LEWIS, Mr., I, 126.

LEWIS, Robert Walker, I, xxvii.
LEY, Sir Francis, I, 174.
LEY, Lord Chief-Justice, I, ix.
LEY, Margaret, I, ix.
LILLEY, Mr., I, 161.
LINCOLN, John, Earl of, II, 246.
LITCHFIELD, Bishop of, I, 6.
LITTLETON, Sir Edmund, I, 161.
LITTLETON, Nath'l, I, 161.
LIVESEY, Dr., I, 175.
LODGE, Henry Cabot, I, xix.
LONDON, Bishop of, I, 46.
LOSSING, B. J., I, xlvi, 154.
*Lotteries*, I, 4, 24, 75, 87, 91, 113.
LOVELACE, Sir Richard, II, 20.
LOVER, Mr., I, 104, 118.
LOWE, John, II, 183.
LUDWELL, Philip, I, xxvi, 20, 211.
LUDWELL, Thomas, I, 211.
LYNSELL, Augustus, I, 60, 61.
LYNSEY, Mr., I, 104.

McCARTHY, Carlton, I, xxxvii.
MACOCK, Samuel, II, 117.
McDONALD, Col. Angus W., I, xx.
McRAE, Col. Sherwin, I, vii, xxvii.
MADISON, Capt. Isaac, I, 48, 62, 101, 125; II, 13.
*Magazine for provisions and clothing*, I, 158.
*Maids to the Colony for wives*, I, 138, 158.
MAISTERTON, Capt. Edward, I, 87.
MAISTERTON, Capt. Lawrence, I, 61.
MAJOR, R. H., I, xvi.
MALONE, I, xvi.
MAN, Mr., I, 160.
MANCHESTER, Duke of, I, xx.
MANDEVILLE, Lord, II, 126.
*Mannahook Indians*, I, 19.
MANNERING, Sir Henry, I, 60, 104; II, 40.
MANSEL, Henry, I, 51, 150, 160, 176, 210.
MANSEL, Sir Robert, I, 20, 60, 189.
MARSHALL, John, I, xliv, xlv.
*Marshal of the Colony*, Allowance of, I, 118, 126.
MARTIN, I, xli.
*Martin-Brandon*, II, 147.
MARTIN, Christopher, I, 60, 62.
*Martin's Hundred*, I, 13, 43, 140, 149, 161, 163.
MARTIN, Sir Henry, II, 237.
MARTIN, Capt. John, I, 10, 14, 108, 129, 180, 184; II, 14, 20, 143, 252.
MARTIN, JOHN, I, 188.
MARTIN, Mr., I, 118, 125, 160, 175.
*Maryland*, I, 18.
*Massachusetts Historical Society*, proceedings cited, I, xii.
*Massaponax Iron Furnace*, I, 51.
MATTHEWS, Thomas, I, xliv.
MATTHEWS, Gov. Samuel, I, 117.
*Masonry in Virginia*, I, xliv.
MASTERTON, Thos., I, 6, 61.
MAURY, I, xlvii.
MAXWELL, Wm., I, xii.
MAY, Sir Humphrey, II, 213, 253.
MAYO, Wm. C., I, xlii.
MAYNARD, I, 209; II, 66, 84.
MAYNARD, Sir Wm., Sketch of, I, 60.
MAZZIE, Philip, I, xxvi, 69.
MEADE, Bishop Wm., I, xxiii.
MEASE, Rev. Wm., II, 180.
MELLINGE, Thomas, I, 19, 26, 34, 38, 60, 62, 76, 104, 118, 125, 150, 160, 171, 173, 210; II, 12, 46, 211, 269.
MENERELL, Mr., I, 62; II, 20, 46, 269.
MERRICK, Sir John, I, 2, 8, 60, 76.
MERRY, Sir Thomas, I, 76.
MIDDLESEX, Lord, II, 246, 259.
MIDDLETON, Daniel, I, 76.
MIDDLETON, Sir Hugh, I, 19.
MIDDLETON, Sir Thomas, I, 19.
MILDMAY, Sir Henry, Sketch of, II, 20, 55, 66, 76, 85.
MILDMAY, Robert, II, 20.
MILDMAY, Sir Thomas, II, 20.
*Mills*, grist and saw, for Virginia, I, 84.
MILTON, John, I, ix.
MINDOUIS, Mr., I, 160.
*Ministers for Virginia*, I, 11, 45, 132.
MOLE, Mr., I, 210; II, 67.
MONTGOMERY, Alex., I, xliv.
MONTGOMERY, Earl of, II, 253.
MONER, Mr., I, 62.
"*Monticello*," I, 69.
MOONE, Mr., I, 118.
MOOR, Thos., II, 212.
MOORE, Mr., I, 125.
MOORER, Mr., I, 210; II, 69, 188.
MOOREWOOD, Mr., I, 125, 150; II, 20.
MORE, Sir Thomas, I, v.
MORDON, Mr., I, 175.
MORRICE, Mr., I, 62, 160.
MORRIS, Mr., II, 269.
MORYSON, Major Francis, I, 130.
MOSBY, Mrs., M. W., I, xxxi.
MOSER, Thos., I, 19, 38.
MOUNSON, Sir Wm., I, 87.
MOUNTJOY, Lord, I, 2.
*Mount My Lady*, I, 218.
MOYLEY, Sir Thomas, I, 102.
MUNSELL & SONS, Joel, I, xxi.

NAMONTUCK, an Indian, I, 134.
NAUNTON, Secretary, I, 6.
NEILL, D. D., Rev. E. D., I, v, ix, x, xiv, xv, xviii, xx, xxii, xxv, xxviii, xxx, xlii; his *Carolorum*, I, xi, 12, 130, 136; *English Colonization in America*, x; *Terra Mariae*, x; *Virginia Company*, x, 6, 56, 69, 72, 93, 132, 134, 156, 174; II, 37; *Virginia Vetusta*, I, xi, 8, 109.
*Negro Slaves*, II, 189, 202.
NELSON, Jr., Thomas, I, xliv.
NEVEL, Mr., I, 125.
NEWCE, Thomas, Sketch of, I, 63, 75, 76; II, 117.
NEWCE, Capt. Wm., offers to transport 1,000 colonists, I, 110, 117, 120, 171, 190.
NEWCE, Sir Wm., I, 63, 125, 126, 133, 168.
*New England Colony*, I, 106, 156; *Historical and Genealogical Register*, 161.
NEWLAND, Robert, I, 92, 118.
NEWMAN, Francis, II, 39.
NEWPORT, Capt. Christopher, I, xiii, 50, 134, Sketch of, 136, 146, 160, 176; II, 213.
NEWPORT, John, I, 136; II, 213.
NEWPORT, Mr., I, 126, 136, 210; II, 20.
*Newport Newse*, I, xiv.
NEWTON, Thomas, II, 213, 269.
NICHOLAS, Mr., I, 176.
NICHOLLS, Mr., I, 62, 210.
NICHOLSON, Gov. Francis, I, xxv.
NORWOOD, I, xix.
NORWOOD, Charles, I, 121.
NORWOOD, Major, I, 121.
NORWOOD, Mr., Surveyor, I, 121.
NORWOOD, Richard, II, 213.
NORTH, Sir Charles, I, 156.
NORTH, Dudley, Lord, Sketch of, I, 72
NORTH, Sir Edward, I, 72.
NORTH, Roger, I, 72.
NORTON, Capt. Wm., Sketch of, I, 130, 137, 151.
NORTHUMBERLAND, Duke of, I, xiii.

O'CALLAGHAN, I, xliii.
OFTLY, Robert, I, 177.
OGLE, Col., II. 84, 96, 136, 152, 217.
*Oil product of Virginia.*, I, 84.
OLEVAN, Anthony, I, 92.
OPACHANCANO, Indian Chief, II, 6, 13, 32, 36, 199; killed, 236.
OULSWORTH, Mr., I, 121.
OWENS, R. D., I, xxxi.
OXENBRIDGE, Wm., I, 8, 76, 118, 125.

PAGE, John, I, 102.
PAGE, Thos. Nelson, I, xliv.
PAGETT, Wm. Lord, I, 17, 18, 27, 38, 39, 60, 76, 97, 103, 117, 125, 157, 160, 174, 199, 209; II, 19, 40, 66, 112, 232, 253.
PALAVICINI, Edward, I, 61, 76, 104, 175; II, 20, 143, 146, 166, 185, 267.
PALAVICINI, Toby, I, 117.
PALMER, Mr., I, 10, 20, 67, 76, 118, 175, 210; II, 20.
PALMER, M. D., Wm. P., I, xxv, xxvii, xxviii, 153.
PARAMORE, Mr., I, 127.
PASSMORE, Thomas, II, 40.
PATAWMACK, King of, II. 13.
PAULETT, Sir John, I. 140.
PAULETT, Lord and Lady, II, 17.
PAULETT, Rev. Robert, Sketch of, I, 140.
PAULETT, Capt. Thomas, I, 140.
PAULSTON, Mr., I, 62, 118.
PEAKE, Mr., I, 118, 150; II, 20.
PEARL, Gregory, II, 181.
PEMBROKE, Wm. Herbert, Earl of I, 38; II, 253.
PENNISTONE, Mr., I, 118, 125, 210; II, 20.
PERCY, Capt. George, I, xiii, xxix, 16, 60, 62, 114.
PERKINS, Sir Christopher, I, 185, 186, 189.
PERKINS, Rev. Wm., Sketch of, I, 93.
PERRY, Wm., II, 257, 268, 271.
PERRY, Wm. Stevens, I, xliii.
PETERS, Hugh, II, 182.
PEYTON, John Lewis, I, xli.
*Phi Beta Kappa Society*, I, xxvi.
PHILIPS, Sir Robert, I, 103, 157.
PHILLIPS, Elenora, II, 10.
PHRISE, Mr., I, 150.
PHITTIPLACE, Will., I, xvii.
*Physicians for Virginia*, I, 139.
PIERCE, John, I, 43, 118.
PIERSEY, or PIERCE, Abraham, Sketch of, I, 12; cape merchant and vice-admiral, 54, 134, 210.
PIERSEY, Francis, I, 12.
PIERSEY, Eliz'h, I, 12.
PIERSEY, John, I, 12.
PIERSEY, Mary, I, 12.
*Pitch, potash, soap and tar* made in Virginia, I, 17, 67, 84, 95.
PITT, Wm., II, 215.
*Plantations of Virginia in 1622*, II, 176.

POCAHONTAS (Matoaka Rebecca), I, xviii, xxvii; portraits of, xxxii, xlvi, 9, 16, 118; II, 11, 189.
*Polanders and Swedes* as colonists, I, 17, 95.
POOLEY, Mr., II, 257.
POPHAM, Sir Francis, I, 18.
PORY, John, I, xx; sketch of, 58, 64, 127; II, 117, 199.
PORTER, John, I, 61, 118, 126, 175; II, 20.
POTT, W. John, I, 19, 102; sketch of, 139, 141; II, 239.
POUNTIS, John, I, 76, 87, 135, 141, 151; II, 117.
POVEY, Mr., I, xxxvii.
POWELL, Capt., I, 156.
POWELL, John, I, 190.
POWELL, Capt. Nath'l, I, xvii; sketch of, II, 17, 137.
POWELL, Lord, II, 259.
"*Powle Brooke*," II, 37.
POWLETT, Sir Amias, I, 141.
POWHATAN, I, xxvii, ix, 11, 81, 134, 185; II, 189.
POYNS, John, I, 62.
PRENTIS, John, II, 239.
PRICE, Mr., I, 62, 176.
PRICE, Nath'l W., I, xliv.
*Pieces of Goods in Virginia*, I, 155.
PRINCE, Edward, II, 225.
PRING, Capt. Martin, I, 146.
PROCTOR, John, II, 20, 180, 225.
PURCHAS, I, xii, xiii, xvi, xviii; II, 257.

QUARITCH, B., I, xix.
*Queen's Creek*, I, 103.

RADCLIFFE, Lady Francis, II, 20.
RADCLIFFE, Lord, II, 20.
RAINSFORD, Sir Henry, I, 2, 18, 37, 38, 39, 59, 60, 82, 117, 118, 175; II, 40.
RALEIGH, Carew, Sketch of, II, 163.
RALEIGH, Sir Walter, I, xv, 2, 19, 94, 114; II, 163.
RANDOLPH, David Meade, I, xxxv.
RANDOLPH, Edmund, I, xxv, xliv.
RANDOLPH, Jane, I, 118.
RANDOLPH, of Roanoke, John, I, x, xl; II, 38.
RANDOLPH, Peyton, I, viii.
RANDOLPH, Ryland, I, xxxv.
RANDOLPH, Thomas Mann, I, xliv.
RANDOLPH, Wm., I, 118.
RATCLIFFE, John, I, xxix, xxxii.
RAYNER, Capt. Marmaduke, I, 53; sketch of, 134, 166; II, 180.
RAYMOND, Mr., II, 237.
READ, Thos., I, 218.
READE, Agnes, II, 20.
*Register, N. E. Hist. and Gen'l*, I, xi, xvi, xx.
REIDISEL, Baron Le, I, 69.
*Religious Observances*, instruction of Indians, I, 85, 162.
*Revolution, Orderly Book of*, I, xxvi.
REYNOLDS, Henry, I, 8, 19, 61, 76.
RICE, John Holt, I, xxxviii.
RICH, Isabel, I, 2.
RICH, Sir Nath'l, I, 7, 11, 13, 18, 27, 36, 38, 39, 44, 47, 49, 51, 52, 57, 61, 77, 125; II, 38, 90, 108, 114, 137, 143, 165, 168, 184, 185, 200, 204, 270.
RICH, Obadiah, I, xv.
RICH, Robert, I, 7.
RICH, Ruth, I, 8.
RICHARDSON, Wm., I, xxxii.
RICHMOND, Duke of, I, 93; II, 246.
RISELEY, Mr., I, 125, 175; II, 20.
RIVES, Wm. C., I, xlv.
*Roanoke, Voyage to*, I, 134.
ROBERT, Rev. P. G., I, xxi.
ROBERTS, Mr., I, 19, 38, 62, 76, 125, 150, 176, 211; II, 103, 269.
ROBERTSON, John, I, xxv.
ROBERTSON, Wyndham, I, xxviii, xxxi, xlvi.
ROBINS, Dr. Ro. P., I, 161.
ROBINSON, Conway, I, v, x, xiii, xxi, xxvi, xlv, xlvi.
ROBINSON, Leigh, I, x.
ROBINSON, Mrs. Mary, I, 68.
ROBINSON, Rev. Thos. V., I, xxxv.
ROCROFT, Mr., II, 37.
ROE, Sir Thomas, I, 18, 38, 43, 52, 53, 60, 63, 77; sketch of, 86, 86, 91, 117, 205; II, 28, 118.
ROGERS, Edward, I, 160, 175.
ROGERS, Richard, I, 3, 8, 20, 38, 61, 118, 150, 160.
ROLFE, Anthony, I, xxxi.
ROLFE, Hannah, I, xxxi.
ROLFE, Henry, I, xxxii; petition as to the estate of his brother John, II, 11.
ROLFE, Jane, I, xxxi.
ROLFE, John, I, xviii, xxviii, xxx, 16, 118; II, 117, 189.
ROLFE, Thomas, I, xxxi; II, 32.
*Ronoque*, I, 97.
ROPER, Mr., II, 145, 213.
"*Ronjill*," I, 153.
ROSS, I, xliv.
ROSSINGHAM, Capt., I, 188; II, 20.

ROYALL, W. L., I, xliii.
RUGGLES, George, I, xx, 61, 104; sketch of, 108, 118, 175, 210; his gift, II, 19.
RUSSELL, Mr., I, 121, 175.
RUSSELL, Dr. Walter, I, xvii, 19.
RUSSELL, Sir Wm., I, 3, 8, 61, 177.

SABIN, Joseph, I, xv, xxix.
SACKVILLE, Sir Edward, I, 74, 77, 82, 87, 108, 174, 209; II, 7, 20, 40, 60, 66, 77, 81, 83, 112, 113, 132, 136, 143, 146, 152, 166, 185, 213, 219.
SAINSBURY, W. Noël, I, xx, xxi, xxii.
ST. JOHN OF BASINGE, Lord, his gift, II, 17.
ST. LEGER, Sir Warham, I, 2.
ST. PAUL'S, Dean of, II, 12.
SALISBURY, Earl of, I, xxix.
*Saltpetre and Powder* made in Va., I, 95.
*Salt Works in Virginia*, I, 47, 65, 84; II, 252.
SAMMS, Sir John, I, 8, 60.
SANDERS, Edward, II, 181.
SANDYS, Sir Edwin, Sketch of, I, 2, 4, 7, 12, 18, 19, 26, 29, 38, 39, 52, 55, 60, 72, 74, 76, 77; his proposition for the better managing of the Company, 79, 80, 86, 90, 94, 95, 100, 102, 103, 106, 108, 111, 113, 117, 121, 124, 125, 126, 127, 128, 141, 160, 164, 170, 174, 182, 184, 187, 203, 209, 211; II, 8, 19, 20, 23, 40, 68, 74, 84, 86, 88, 92, 96, 107, 112, 114, 117, 121, 127, 129, 133, 163, 166, 184, 199, 205, 222, 240, 271.
SANDYS, George, I, 2, 8, 20, 61, 102, 104, 107, 112, 117, 120, 125, 126, 175; II, 12, 40, 239.
SANDYS, Margaret, I, 102.
SANDYS, Sir Samuel, I, 2, 102, 103, 117, 157, 209; II, 73.
*Sassafras from Virginia*, I, 20, 50, 100; II, 32.
SAVAGE, I, xliii, 161.
SAVAGE, Mrs. Hannah, I, 134.
SAVAGE, John, I, 134.
SAVAGE, Thomas, Sketch of, I, 134.
*Savage's Neck*, I, 134.
SAVOY, Duke of, II, 197.
*Saw-Mills in Virginia*, I, 67 74, 84; II, 149.
SAYLE, Governor, I, 146.
SCARBOROUGH, Col. Edmund, I, 211.
*School, Free*, in Va., I, 146, 163, 167.
SCOT, Edmund, I, 61.
SCOT, George, I, 61, 175; II, 20.
SCOTT, Mr., I, 104, 118, 125, 210; II, 185, 224.
SCULL, Gideon D., I, xxiv.
*Seals*, of Va.. I, vii, 152.
SEAWARD, or SYWARD, I, 62, 150, 210; II, 12, 237, 269.
*Secretaries of the Colony*, I, 127.
SELDEN, John, I, 86.
SELDEN, Mr., II, 8.
*Sermons before the Company*, I, 146, 149, 166, 170, 171.
*Servants sent to Virginia*, I, 83.
SEVERN, John, II, 183.
*Shares of the Company transferred*, I, 60.
SHEFFIELD, Edmund, Earl Mulgrave, I, 18, 60; Sketch of, 72, 77, 150; II, 40.
SHEFFIELD, Thomas, II, 5.
SHEFFIELD, William, II, 5.
SHEPHERD, Thomas, I, 10, 19, 26, 61, 104, 118, 175; II, 20.
SHIERS, Thos., II, 185.
SHERWOOD, Grace, I, xlv.
SHIPLEY, Walter, I, 20.
*Ship building* proposed, I, 141; Shipwrights sent, I, 159.
*Ships* mentioned, *Abagail*, I, 90, 176; II, 11, 19; *Anne*, II, 245; *Bee*, II, 245; *Bona-Adventure*, I, 57, 97; *Bona Nova*, I, 22, 48, 74; *Bowery Bess*, II, 245; *Discovery*, I, 9, 156; *Due Return*, II, 220, 245; *Duty*, I, 98; *Francis*, I, 78, 94, 133, 156; *Furtherance*, II, 245; *Garland*, I, 156; *George*, I, 47, 64, 116, 168, 171; II, 38, 146, 191, 245; *Gift*, I, 10; *God's Guifte*, II, 145, 275; *Hope*, I, 136; *Hopewell*, I, 156; II, 245, 261; *Great Hopewell*, II, 245; *Jacob*, II, 185, 214, 245; *Jonathan*, I, 89, 98, 136; *John and Frances*, I, 134; II, 245; *Lion*, I, 136; *London Merchant*, I, 36, 89, 98, 134; *Margaret and John*, I, 11, 20, 188; *Marmaduke*, I, 166; II, 245; *Neptune*, II, 29; *Prosperous*, I, 190; *Return*, II, 245; *Royal James*, I, 146; *Sea Venture*, I, 8; *Southampton*, II, 227, 245; *Sparrow*, II, 245; *Sunflower*, I, 134, 166; *Swan*, I, 89, 98; *Truelove*, II, 5, 245; *Treasurer*, II, 36, 189, 197; *Trial*, I, 22, 125; *Tyger*, I, 166; II, 245; *Warwick*, I, 161; *William and John*, II, 245; *William and Thomas*, II, 31, 33; cost of voyage to Virginia, I, 23; owned by colonists, II, 137.

SHIPTON, Mr., I, 62, 160.
SHIRLEY, Ciceley, Lady De La Warr, I, 115.
SHIRLEY, Sir Robert, I, 136.
SHIRLEY, Sir Thomas, I, 115.
SHOWELL, I, 12.
SHRIGLEY, Nath'l, I, xix.
SIGOURNEY, L. H., I, xxxi.
*Silk*, codd, grass, making in Virginia, I, xix, 3, 67, 84, 92, 95, 99, 137, 148, 168; II, 10, 149.
SIMMS, Wm. Gilmore, I, xxxi.
SINYANKI, J. M., I, xxxi.
SHAKESPEARE, I, xvi.
SKINNER, John S., I, xliv.
SLANCEY, Humphrey, I, 61.
SLAUGHTER, Rev Philip, I, xxiii, xxvii; xlv.
*Slavery, Virginia's Past Relation to*, I, xlvii.
SMALL, Chief Justice, I, 132.
SMALLEY, Eliz'h, complains of Argall, II, 46.
SMITH, George, I, 19, 61, 74, 118, 125, 160, 171, 175, 211; II, 20, 269, 272.
SMITH, Gov. Wm., I, xliv.
SMITH, Capt. John, I, xii, xiii, xvii, xxvii; impeached, xxviii; his works, xxix, xxx, 19, 61, 96, 97, 113, 117, 121, 123, 125, 127, 128, 150, 158, 160, 175, 184, 209; II, 8, 20, 46, 66, 163, 249.
SMITH, Sir John, I, 2.
SMITH, Robert, I, 61, 76, 86, 104, 118, 125, 158, 160, 175, 184, 209; II, 8, 20, 46, 66.
SMITH, Capt. Roger, I, 48, 100, 141; II, 239.
SMITH, Seba, I, xxxi.
SMITH, Capt. Thos., I, 156.
SMITH, Sir Thomas, I, ix, xx; sketch of, 2, 3, 4, 7, 9, 12; his accounts criticized, 33, 49, 52, 57, 59, 62, 63, 72, 74, 76, 77, 79, 87, 181, 186, 251, 263; II, 31, 33, 83, 194, 220.
*Smith's Hundred*, I, 33, 43, 45, 47, 62.
SMITHSON, Judith, I, 12.
SNOADE, John, II, 183.
SOMERBY, H. G., I, xxii.
SOMERS, Sir George, I, 9, 101; sketch of, 114, 192.
SOMERS, Capt. Matthew, I, 101, 123, 125, 191.
*Somers Islands*, I, 26, 32, 52, 89, 97, 104, 167, 182; Ambergris found in, 192; II, 8, 87; proposition as to tobacco by the Company, 91, 202.
SOMERSET, Earl of, I, xxxii.
SOUTHAMPTON, Earl of, I, vi, xix, xxix; sketch of, 1, 7, 18, 19, 28, 38, 46, 60, 72, 77, 78, 88, 94, 97, 101, 103, 106, 113, 117, 118, 125, 141, 173, 177, 184, 209, 214; II, 19, 20, 40, 49, 63, 68, 73, 75, 77, 85, 107, 112, 113, 145, 208, 214; accounts of approved, 222, 249, 253, 268.
*Southampton Hundred*, I, 62, 162.
*Southern Literary Messenger*, I, xii.
SOUTHEY, Eliz'h, I, 161.
SOUTHEY, Henry, I, 161.
SOUTHEY, Lewis, I, 161.
SPARROW, Mr., I, 38, 62, 150, 210; II, 20.
SPELMAN, Henry, I, xiv, 9; sketch of, 114, 192.
SPENCER, I. xxxi.
SPENCER, Edward, II, 20.
SPILLER, Henry, II, 215.
SPOTSWOOD, Alex., I, xlvii, 51; his Germanna settlement, 68.
SPRUSON, W., II, 20.
STANARD, W. G., I, xxvi.
*Standard*, The Richmond, I, xxiv, xxxi.
STAPLES, Rev. Robert, I, 149, 171.
STALLENGE, Capt. Jasper, I, 99; II, 37.
STEPHENS, Eliz'h, I, 211.
STEPHENS, Lady Frances, I, 211.
STEPHENS, Garrett, I, 211.
STEPHENS, George, I, 211.
STEPHENS, John, I, 211.
STEPHENS, Mary, I. 211.
STEPHENS, Mr., I, 210, 211.
STEPHENS, Capt. Richard, I, 211.
STEPHENS, Capt. Sam'l, I, 211.
STEPHENS, Thomas, I, 211.
STEPHENS, Wm., I, 211.
STEPHENSON, J., I, 38.
STEVENS, Henry, I, xv.
STEVENS, D., I, xxviii.
STEWARD, August, I, 19, 104, 175.
STILES, Thomas, I, 3, 62, 177.
STILLWELL, Lt. Nicholas, I, 190.
STITH, Rev. Wm., I, vii, xii, xxxix.
STOKES, Eliz'h, II, 183.
STONE, Mr., II, 20.
STRACHEY, Wm., I, xvi, 16.
STRANGFORD, Lord, I, 2.
STRINGFELLOW, I, xliv.
STUBBS, Mr., I, 160, 177.
STUDLEY, Thomas, I, xvii.
*Sugar works at Barbadoes*, II, 182.
SULLY, Robert M., I, xxxv.
SULLY, Thomas, I, xxxv.

*Surveyor of Virginia*, Salary of, I, 131.
SUSSEX, Earl of, II, 20.
SUTCLIFFE, Dr. Matthew, I, 18.
SWAIN, or SWAYNE, Arthur, I, 118, 126, 134, 154, 175.
SWANK, Col. James M., I, xxxvi.
*Swedish settlers*, I, 95.
SWINHOWE, George, I, 8, 38, 61, 76, 104. 118, 150, 176, 210.
SWIFTE, James, I, 19, 38, 62.
SYMOND, Mr., I, 125.
SYMONDIS, Wm, I, 115.

TALBOT, Sir Wm., I, 19.
TAYLOR, Col. H. P., I, viii.
TAYLOR, Mr., I, 160.
TAZEWELL, L. W., I, xii.
TELL, Wm., I, xxix.
THOMAS & Co., John, I, vi.
THOMPSON, Captain, proposes to transport 1,000 colonists, I, 28, 36.
THOMPSON, Geo., II, 183.
THOMPSON, Col. Geo., II, 183.
THOMPSON, Sir John, II, 183.
THOMPSON, Mary, II, 183.
THOMPSON, Maurice, Sketch of, II, 182.
THOMPSON, Paul, II, 183.
THOMPSON, Ralph, II, 183.
THOMPSON, Robert, II, 183.
THOMPSON, Maj. Robert, II, 182, 183.
THOMPSON, Sir Wm., II, 183.
THOMPSON, Wm., II, 183.
THORNBOROUGH, Sir John, I, 16.
THORNTON, J. Wingate, I, x, 132.
THORPE, George, Sketch of, I, 8, 54, 63, 75, 76.
THROCKMORTON, Eliz'h, I, 16.
THROCKMORTON, Sir Thomas, I, 16.
THROCKMORTON, Sir Wm., I, 7, 16, 56.
*Tichfield, England*, I, vi.
*Timber exported*, I, 67.
TINDAL, R., xxix.
*Tobacco planting*, I, 10, 21; duties on, 12, 51, 59, 196; II, 8, 140; petition in regard to, 30; price of, 34, 124; regulations for sale of, 88, 94; sent to Zealand, 141. Answer of Company to Privy Council regarding, 145, 146, 171; proposition to the Lord Treasurer, 196, 215; Spanish, or Varinas, 199; II, 15, 20, 23, 123, 134, 139; imports of for seven years, 199, 212; contract for selling, and proposed salaries of officers; II, 58, 91; King's proclamation as to importing into England, 116; Colonists petition the King regarding, 117; answer of Virginia and Somer's Islands Company to the Council regarding, 130.
TODKILL, Amos, I, xvii.
TOMKINS, Mr. I, 118.
TOMLYN, or TOMLIN, Richard, I, 8, 18, 61, 125, 160 209; II, 20, 46, 117, 213, 215, 237.
TRABUE, I, xlvii.
TRACEY, Sir Thomas, I, 60.
TRACEY, I, 76, 140.
*Tradesmen* or *Mechanics*, I, 12.
*Treasurers of the Company*, I, 1, 4, 78, 112; allowance of, 118, 122.
*Treasurer, Ship*, Robberies by, I, 73.
*Treatise for the good of the Plantation*, I, 128.
TRUELOVE, Rowland, I, 154, 176; goes to Virginia, II, 5.
TUCKER, Capt., Daniel, I, 10, 61, 118, 126, 175.
TUCKER, Henry St. Geo., I, xxxvi.
TUCKER, John Randolph, I, xliv.
TUCKER, St. George, I, xxv, xxxviii.
TUCKER, Capt. Wm., II, 183, 237.
TUCKERMAN, Charles H., I, xli.
TUFTON, Sir Nicholas, I, 2, 60, 72, 77, 104, 117.
TURNER, Dawson, I, xv.
TURNER, Dr., I, 175.
TURPIN, Mary, I, 118.
TURPIN, Thomas, I, 118.
TUTCHIN, Capt. Edwin, II, 220.
TUTTLE, C. W., I, xii.
TWISDEN, Sir Wm., I, 104.
TWOPENNY, Wm., I, xiii.
TYLER, John, I, xliv.
TYLER, Moses Coit, I, xviii, xxxviii.

*Ursinus's Catechism*, I, 165.

*Varina*, Virginia, I, vii; tobacco, II, 15.
VEER, Sir Horatio, I, 57.
VETNE, Lord General, II, 84.
VINCENZIO, I, 130.
*Vine planting in Virginia*, I, 170; II, 179.
VINER, Mr., I, 150, 160.
*Virginia*, sources of its history, I, xi; First Assembly of in 1619, xxi; lists of early emigrants to, xxii; character of early colonists of, xxii; MS. materials towards its history, xxiv; records of counties of, land records of, xxv; parish

records of, xxvi, xlv; constrained to send tobacco to England, 143; styled "kingdom," 155; school or hospital, 162; climate of, II, 176.
*Virginia Gazette*, Files of the, I, xlii.
*Virginia Historical Society*, institution and publications of, I, xlv.
"*Virginia Loop*," I, 103.
*Virginia Company*, proceedings of, how preserved, I, vi; members of, 1; orders and constitutions of, etc., in Force's Tracts, xi; proposed salaries for officers of, II, 28; declaration to the King of State of Virginia, 148; relation of proceedings of, and Somers Islands Company, 152; petition to King, 164, 169; answer to King, 186; declaration as to dissensions, 195; books of demanded, 214; election of officers forbade, 226; value of shares of, 227; ordered to surrender charter, 234; *quo warranto* served on, 236; letter to from colonists, 238.

WADDELL, Joseph A., I, xli.
WADDILL, Wm., I, xliv.
WAINWRIGHT, Mr., I, 210.
WALES, Henry, Prince of, I, xxxii.
WALES, or WALE, Mr., I, 118, 125, 161.
WALLIS, Edward. I, 139, 161.
*Walloon Emigration* to Va., I, xxiii.
*Walnut boards* from Va., I, 50.
WALPOLE, Horace, I. 73.
WARD, Capt. John, I, 61, 62.
WARE, I, xxxviii.
WARNETT, Thomas, I, 135.
*Warrosquoyoke*, I, 93; Indians, 9.
WARWICK, Robert Rich, Earl of, Sketch of, I, 7, 10, 13. 18, 26, 38, 39, 52, 60, 77, 125, 160; II, 108, 113.
WASHINGTON, George, I, xxxi, 166, 184. 185, 195, 204.
WASHINGTON, H. A, I, viii.
WATERHOUSE, Edward, I, viii, 127, 150, 160, 176, 211; II, 247.
WATERHOUSE, Thomas, I, 176.
WATSON, Thomas, I, xii, 160.
WAYNMAN, Sir Francis, I, 104.
WAYNMAN, Sir Robert, I, 3.
WEBB, Wm., II, 269.
WELDIN, Capt. Wm., I, 161.
WELLS, Thomas, I, 61, 109.
WENTWORTH, Henry, II, 257.
WEST, Capt. Francis, I, 115, 139.
WEST, Capt. John, I, 115.
WEST, John, I, xxxviii.
WEST, Lionel, Lord Sackville, I, 115.
WEST, Nathaniel, I, 115.
WEST, Sir Thos., Lord De La Warr, I, xvi, *et seq.*
*Westmoreland Club*, I, 155.
WESTON, Richard, II, 160, 245, 246, 259.
"*Westover*," Va., I, vii, 140.
WEYMOUTH, Capt., I, 46.
WEYNMAN, Sir Thomas, I, 77, 104.
WHEAT, Mr., I, 175.
WHEATLY. or WHITLEY, Mr., I, 10, 19, 35, 38, 61, 104, 150, 160; II, 20, 224, 269.
WHITAKER, Rev. Alex., I, xviii, 56, 136.
WHITAKER, Edward, I, 136.
WHITAKER, Jabez, I, 136, 138; II, 262.
WHITAKER, Wm., I, 136.
WHITE, John, II, 8, 20, 163, 168, 174, 213, 215, 249, 253.
WHITEN, Mr., I, 175.
WIDDOWES, Mr., I, 62, 104, 118, 125, 150, 175.
WIFFE, Mr., I, 125.
WIFFIN, Richard, I, xvii.
WILD, Anne, II, 185.
WILD, John, II, 185.
WILFORD, Sir Thomas, I, 3, 8, 18, 60; II, 40.
*William and Mary College*, I, xxv, xxvi.
WILLIAMS, Geo. W., I, xliv.
WILLIAMS, John G., I, xliv.
WILLIAMSON, I, xxi.
WILLIS, Wm., I, 92.
WILMER, George, I. 175; II, 20, 185.
WILMOTT, II, 67.
WILLOUGHBY, John, I, 191.
WILLOUGHBY, Thomas, Sketch of, I, 190.
WILLOUGHBY, Thomas, Dean of Rochester, I, 191.
*Willoughby's Point*, I, 191.
WILSON, I, xliii.
WINCH Mr., I, 210.
WINCHFIELD, Sir Robert, I, 18.
WINCOPP, Rev. John, I, 69.
WINCOPP, D. D., Rev. Sam'l, I, 69.
WINCOPP, Rev. Thomas, I, 69.
*Wine making in Va.*, I, 68, 84.
WINGATE, Roger, I, 132.
WINGFIELD, Edward Maria, I, xiv, xxvii, xxix.

WINSOR, Justin, I, xi, xvi, xviii, xxv, xxix.
WINSTON, Anthony, I, 68.
WINSTONE, Dr. Thomas, I, 18, 33, 34, 38, 39, 45, 47, 61, 74, 118.
WINTHROP, I, xliii.
WISEMAN, Richard, I, 19, 25, 35, 62, 83, 85, 90, 92, 93, 116, 118, 150, 158, 175, 210; II, 20, 269.
WISEMAN, Thomas, I, 93, 150, 155, 166
WISHER, Gabriel, I, 95.
WITHERS, John, I, 211; II, 63, 96, 163, 215, 247, 249, 273.
WODENOTH, Arthur, I, 19.
WODENOTH, Lawrence, I, 19.
WODENOTH, Mary, I, 19.
WOOD, Basil, I, xliv.
WOOD, John, petitions for land, I, 88.
WOOD, LEIGHTON, I. xliv.
WOOD, Thomas, I. 96.
WOODALL, Mr., I, 38, 62, 125, 160, 176; II, 61, 103, 129, 184, 185, 249.
WOOTTON, Dr. Thomas, I, 19.
WORMLEY. I, 153.
WORSHIP, Sir Richard. I, 92, 117.
WOLSTENHOLME, Sir John, I, 4, 8, 11, 12, 17; Sketch of, 18, 38, 43, 49, 60, 77, 82, 177; II, 33, 40, 108, 121, 185.
WRIOTHESLEY, Henry, Earl of Southampton, I, vi; Sketch of, I, *et seq.*
WRIOTHESLEY, Lord. I, 1.
WRIOTHESLEY, Thomas. I, vi.
WROTE, Geo., I, 175; II, 20.
WROTE, Samuel, I, 38, 47, 53, 56, 58, 61, 74, 76, 78, 80, 82, 86, 108, 128, 150, 157, 160, 175; II, 8, 16, 20, 40, 46; criticizes the Company, 48; suspended, 82, 108, 113, 127, 143, 188, 245, 247.
WROTH, John, I, 8 20, 27, 37, 38, 47, 49, 61, 76, 80, 86, 104, 125.
WROTH, Sir Thomas, I, 18, 37, 38, 49, 56, 60, 175; II, 40, 43, 92, 204.
WROTHLEY, Mr., I, 104.
WYATT, Alice, I, 103.
WYATT, Anne, I, 103.
WYATT, Anthony, I. 102.
WYATT, Edward, I, 102.
WYATT, Sir Dudley, I, 103.
WYATT, Edwin, I. 102.
WYATT, Francis, I, 102.
WYATT, Sir Francis, I, 5; sketch of, 102, 104, 105, 107, 117, 125, 126, 128, 132; II, his losses, 222, 238, 257, 269.
WYATT, George, I, 103.
WYATT, Sir George, I, 102.
WYATT, Rev. Hawte, I, 102, 135, 140.
WYATT, Henry, I, 102, 103.
WYATT, Jane, I, 102.
WYATT, Margaret, I, 102,
WYATT, Nicholas, I, 102.
WYATT, Richard, I, 102.
WYATT, Thomas. I. 102, 103.
WYATT, Sir Thomas, I, 102,
WYATT, Major William, I, 103.
WYNNE, Thomas H., I, xxi.

YEARDLEY, Argall, I, 5.
YEARDLEY, Francis, his discoveries in North Carolina, I, 5.
YEARDLEY, Sir George, Sketch of, I, 5, 10, 12, 22, 47, 52, 74, 76, 101, 102, 105, 126, 161, 164, 189, 190, 218; II, 6, 11, 30, 37, 47, 145, 197, 239.
YEARDLEY, Lady Temperance, I, 5.
YORK, Archbishop of, I, 29.

ZOUCH, Sir Edward, I, 17.
ZOUCH, Sir John, I, 50, 117.
ZOUCH, John, I, 50, 117, 175; II, 225.
ZUCHELLI, I, xxxii.

REESE LIBRARY OF THE UNIVERSITY

**RETURN TO** ⟶ **CIRCULATION DEPARTMENT**
202 Main Library

| LOAN PERIOD 1 **HOME USE** | 2 | 3 |
|---|---|---|
| 4 | 5 | 6 |

**ALL BOOKS MAY BE RECALLED AFTER 7 DAYS**

**Renewals and Recharges may be made 4 days prior to the due date.**

**Books may be Renewed by calling 642-3405.**

**DUE AS STAMPED BELOW**

FEB 22 1990

AUTO DISC MAR 14 '90

NOV 06 1991

FEB 12 1992

MAY 11 1992

AUG 12 1992

JUL 31 1992

UNIVERSITY OF CALIFORNIA, BERKELEY
BERKELEY, CA 94720

FORM NO. DD6

REC. CIR.

U.C. BERKELEY LIBRARIES
C006114047